



# STATE EMERGENCY MANAGEMENT DIRECTOR **HANDBOOK**



NATIONAL EMERGENCY  
MANAGEMENT ASSOCIATION

# STATE EMERGENCY MANAGEMENT DIRECTOR HANDBOOK

## TABLE OF CONTENTS

### A. National Emergency Management Association

A-1. About NEMA.....	3
A-2. Organization and Management.....	9
A-3. NEMA Resources.....	11
A-4. Emergency Management Policy and Leadership Forums.....	13
A-5. State Director Action Items.....	13

### B. Overview of Emergency Management

B-1. Roles and Responsibilities of State Government.....	15
B-2. Laws and Authorities.....	19
B-3. State Emergency Management Organizational Structures.....	23
B-4. How States Funds Emergency Management Programs.....	24
B-5. Establishing and Maintaining Executive and Legislative Support.....	26
B-6. Building Relationships.....	29

### C. Preparedness

C-1. Emergency Management Building Blocks: Planning, Training, Exercise.....	31
C-2. Interoperable Communications.....	39
C-3. National Preparedness Grant Programs.....	40
C-4. Encouraging Individual and Community Preparedness.....	42

### D. Mitigation

D-1. Overview of Mitigation.....	43
D-2. National Mitigation Framework.....	46
D-3. Program Structure and Organization.....	48
D-4. Promoting Effective Mitigation.....	57

### E. Response

E-1. Managing Emergency Response Operations: Point to Remember.....	59
E-2. Overview of Local, State and Federal Response to Disasters.....	62
E-3. Role of the Private Sector.....	68
E-4. Military Support to Civil Authorities.....	69

## **F. Recovery**

F-1. Disaster Recovery Concepts .....	75
F-2. National Disaster Recovery Framework.....	77
F-3. Federal Disaster Declaration Process .....	81
F-4. Federal Disaster Assistance Programs .....	92
F-5. Organization for Recovery .....	97
F-6. Challenges for Long Term Recovery.....	99

## **G. Mutual Aid and EMAC**

G-1. The Emergency Management Assistance Compact .....	103
G-2. The EMAC Process .....	107
G-3. EMAC Executive Task Force and Advisory Group .....	111
G-4. EMAC Resources .....	112
G-5. Intrastate Mutual Aid .....	113
G-6. International Mutual Aid .....	114

## **H. Homeland Security**

H-1. State Homeland Security Organizational Structures .....	117
H-2. Common Homeland Security Issues .....	119
H-3. Fusion Centers .....	120
H-4. Critical Infrastructure Protection .....	122
H-5. National Homeland Security Consortium .....	124

## **I. Emergency Management and the Media**

I-1. Understanding and Working with the Media.....	127
I-2. Developing a Media Strategy .....	128

## **Acknowledgements**

The *State Emergency Management Director Handbook* (known as *State Director Handbook*) was produced with the expert contributions of the following NEMA committees and subcommittees:

- Private Sector Committee
- Public Assistance/Individual Assistance Subcommittee
- Public Information Officers Subcommittee
- State Hazard Mitigation Officers Subcommittee

The Handbook also includes quotes, tips and observations from current and former state emergency management directors based on their own experiences.

NEMA appreciates the time and attention that was given to gathering information, writing articles, and review of the *State Director Handbook*.

# SECTION A.

## NATIONAL EMERGENCY MANAGEMENT ASSOCIATION



### A-1. About NEMA

The **National Emergency Management Association (NEMA)** is a nonpartisan, nonprofit 501 (c) 3 organization comprised of the emergency management directors from the 50 states, U.S. territories, and the District of Columbia. NEMA's members also include other emergency management professionals from the public and private sector dedicated to protecting our nation.

#### **Vision**

NEMA will be the national leader in the advancement of all-hazards emergency management.

#### **Our Mission**

To develop the partnerships and initiatives necessary to improve the nation's capabilities to protect the public through prevention, mitigation, preparedness, response, and recovery from all emergencies, disasters, and threats to our homeland.

#### **Goals**

1. Strengthen the nation's emergency management system.
2. Provide national leadership and expertise in comprehensive, all-hazards emergency management.
3. Serve as a vital emergency management information and assistance resource.
4. Advance continuous improvement in emergency management through strategic partnerships, innovative programs, and collaborative policy positions.

## Your Role in NEMA

As the leading voice of state emergency management professionals, NEMA can do the best job for you when you take an active role in the organization. This means establishing a relationship with your congressional delegation and educating them on key issues. It means responding to NEMA legislative alerts and keeping current on relevant issues. It also means serving on NEMA committees, where the real policy work happens; responding to information requests from other states; and providing input to requests for comments on national policy and program development. Simply put, NEMA is only as strong as your involvement in the association.

## History of NEMA

NEMA has a proud history and celebrated its 45th anniversary in 2019. It all began in 1974, when the state directors of emergency services united for the first time as a single group in order to exchange information on common emergency management issues and to provide a unified credible voice to the federal government, private industry and the public. Since that time, NEMA has established itself as a leading resource dedicated to public safety. We are acknowledged as the preeminent authority on emergency management by governors, Congress, federal agencies, major American corporations, the military, national service organizations and the president of the United States.

## NEMA Can Support You

The primary purpose of NEMA is to be the source of information, support and expertise for people like you – state and territorial emergency management directors who prevent, mitigate, prepare for, respond to and recover from all emergencies, disasters and threats to the nation's security.

### *To accomplish this goal, we focus on six areas:*

- 1) Strengthen the relationship with Congress and federal agencies and serve as an effective advocate for emergency management;
- 2) Develop strategic partnerships with key organizations and individuals who impact emergency management;
- 3) Tackle emergency management issues through our proactive committees;
- 4) Hold two national policy forums annually that bring together the most knowledgeable speakers and emergency management professionals from around the country;
- 5) Serve as an information-sharing and support network for state and territorial directors and senior staff; and
- 6) Offer professional development and training so that you can continue advancing.

## Our Six Areas of Focus and the Part You Play in Them:

### *1) Strengthen the Relationship with Congress and Federal Agencies*

As you already know, the federal government controls portions of funding that supports emergency management operations in your state. It also sets policies that impact how you can utilize this assistance. That's why it's critical that NEMA – along with you as a member – develop and maintain a strong relationship with Congress, who approves the funding, and the various federal agencies that administer it.

State emergency managers have a collective voice in Washington through NEMA, and you're one of those voices. By getting to know your members of Congress and meeting with them on a regular basis, you're establishing relationships that can benefit your operation and the entire emergency management community. For example, your member of Congress may serve on an authorizing committee for a specific emergency management bill or may be an appropriator on the U.S. Department of Homeland Security (DHS) budget. Your relationship with that member would be beneficial.

We realize that these meetings take away time from your day-to-day responsibilities, but the mutual trust that ensues is vital to on-going emergency management discussions and particularly when disaster strikes your area. Your members of Congress will already know you, your operation and the obstacles you're confronting. They can also see how their constituents will be impacted. In addition, you become their sounding board when they, or their staffs, have questions about emergency management.

To assist you in your congressional efforts, NEMA will provide you with information and intelligence on important emergency management topics.

### *2) Develop Strategic Partnerships with Key Organizations and Individuals Who Impact Emergency Management*

One of the NEMA's top priorities is to nurture partnerships with other related organizations, associations and key people who impact emergency management. By working cooperatively and strategically, NEMA can maximize its resources and promote the emergency management agenda with others who share our interests.

**In addition to members of Congress and their staffs, NEMA interacts with the following agencies, entities and organizations on an ongoing basis:**

**Association of State & Territorial Health Officials** – The Association of State & Territorial Health Officials (ASTHO) represents state and territorial public health officials. NEMA has a cooperative agreement with the Centers for Disease Control and Prevention that supports a joint policy work group with ASTHO to identify and resolve issues of mutual concern, and to promote communication and coordination between the two state entities. [[www.astho.org](http://www.astho.org)]

**EMAC Advisory Group** – The Emergency Management Assistance Compact (EMAC) Advisory Group was established in 2005 as a need identified in the after action report from Hurricane Katrina. National mutual aid stakeholder organizations have an opportunity to work with NEMA to facilitate the effective integration of multi-discipline emergency response and recovery assets for nationwide mutual aid through EMAC. [[www.emacweb.org](http://www.emacweb.org)]

**International Association of Emergency Managers** – The International Association of Emergency Managers (IAEM), which has more than 5,000 members worldwide, is a nonprofit educational organization dedicated to promoting the “Principles of Emergency Management” and representing those professionals whose goals are saving lives and protecting property and the environment during emergencies and disasters. IAEM works in close coordination with NEMA. The NEMA Legislative Committee invites the IAEM Government Affairs Committee Chair to participate in Legislative Committee meetings and IAEM reciprocates. IAEM and NEMA often have very similar priorities when it comes to Congress and the Administration and try to speak together as the national voice on emergency management whenever possible. [[www.iaem.com](http://www.iaem.com)]

**National Governors Association** – Comprised of the governors from all 50 states, as well as five territories and commonwealths, the National Governors Association (NGA) is an important NEMA partner in gaining consensus and addressing emergency management issues on the state level. NEMA coordinates national policy positions with NGA and serves as a technical resource for the governors on emergency management. NGA formed the Governors’ Homeland Security Advisors Council (GHSAC) to provide an organizational structure through which the homeland security advisors from each state, territory and the District of Columbia can discuss homeland security issues, share information and expertise, and keep governors informed of the issues affecting homeland security policies in the states. Representatives from GHSAC participate on the NEMA-ASTHO-GHSAC Joint Policy Work Group. [[www.nga.org](http://www.nga.org)]

**Washington Offices of Governors** – More than 30 governors have offices in Washington, D.C. to assist with intergovernmental affairs. The majority of these are in the Hall of the States building, which also houses the NEMA Washington

office. This proximity makes it easier to share information and work cooperatively on emergency management issues with representatives from the governors’ Washington offices.

**The Big Seven** – As an affiliate to The Council of State Governments (CSG), NEMA regularly coordinates on key policy issues with what’s referred to as the “Big Seven,” the leading national and city/state associations. The Big Seven includes the Council of State Governments, the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

[[www.csg.org](http://www.csg.org)]

[[www.nga.org](http://www.nga.org)]

[[www.ncsl.org](http://www.ncsl.org)]

[[www.naco.org](http://www.naco.org)]

[[www.nlc.org](http://www.nlc.org)]

[[www.usmayors.org](http://www.usmayors.org)]

[[www.icma.org](http://www.icma.org)]

**National Homeland Security Consortium** – The National Homeland Security Consortium (NHSC) was established by NEMA to bring together key state and local government associations and the emergency responder community to share information on homeland security issues. Included in the consortium are twenty-two national associations representing state and local emergency management and homeland security, fusion centers, fire, law enforcement, public health, emergency medical services, public works, agriculture, National Guard, state and local elected officials, and the private sector. [[www.nemaweb.org](http://www.nemaweb.org)]

**Department of Homeland Security/Federal Emergency Management Agency** – NEMA’s traditional partner in the federal government is the Federal Emergency Management Agency (FEMA) which is part of the Department of Homeland Security (DHS). Formed in 2002, the DHS has responsibility for the federal government’s coordination with state and local governments on all homeland security and emergency management issues. [[www.dhs.gov](http://www.dhs.gov), [www.fema.gov](http://www.fema.gov)]

**Coordination with Other Federal Agencies** – NEMA has also developed relationships with other federal departments and agencies with oversight on emergency management and homeland security issues. These include the U.S. Department of Health and Human Services, U.S. Department of Defense, U.S. Department of Energy, the National Weather Service and others.

**Congressional Natural Hazards Caucus** – The Congressional Natural Hazards Caucus is a Senate caucus focused on sharing information associated with natural disasters. The group does not take an advocacy position but occasionally briefs Senate members and their staffs on natural disaster issues.

NEMA is a member of the caucus work group as well as the steering committee and helps drive the caucus's agenda. [\[www.hazardscaucus.org\]](http://www.hazardscaucus.org)

**The Stafford Act Coalition** – The Stafford Act Coalition is an informal group of associations that meets on an ad-hoc basis to discuss issues related to disaster legislation. It takes its name from the Stafford Act, the federal legislation that authorizes assistance to state and local governments before and after a disaster, which is often the subject of amendment

by Congress. The coalition reviews pre-disaster mitigation, post-disaster mitigation, recovery issues and other related topics. It also advocates for public policy changes that make sense for state and local government organizations. There are approximately 15 groups that actively participate in the coalition, including the National Governors Association, the National League of Cities, the Association of State Flood Plain Managers, the International Association of Emergency Managers, the American Public Works Association, and the National Association of Home Builders.

### 3) Tackle Emergency Management Issues through our Proactive Committees

The majority of NEMA's work occurs within standing committees. The NEMA president can appoint or disband committees. These committees focus on specific emergency management and homeland security issues. Each year, directors are asked to indicate their preferences for committee assignments. Directors may, and often are, members of several committees.

All committees meet in conjunction with NEMA policy forums to review issues as well as develop position papers and resolutions. These are presented to and voted on by the NEMA membership during the forum. NEMA position papers and resolutions are widely distributed to congressional, federal, state and local policy makers.

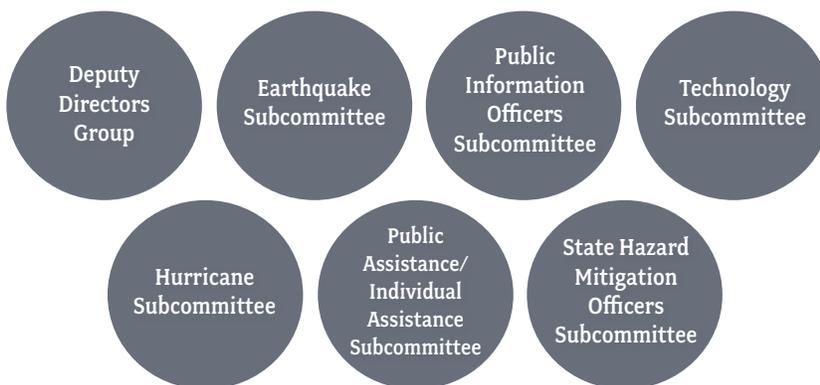
Most committees also meet via conference call several times a year outside forums due to the number and complexity of issues facing the profession today.

NEMA's current committee structure includes:



The NEMA president also can create subcommittees to provide technical assistance to the main standing policy committees. These subcommittees and groups are open to state emergency management staff.

NEMA subcommittees:



#### **4) Hold Two National Policy and Leadership Forums Featuring Emergency Management Professionals and Knowledgeable Speakers from around the Country**

Each year, NEMA's two national policy and leadership forums provide you the opportunity to discuss national and regional emergency management strategies with your counterparts from around the country and experts in the field. You can learn about best practices, and perhaps most importantly, establish a network of people who are dealing with the same issues that you're facing.

NEMA policy and leadership forums focus on policy development, state concerns, legislative issues and federal relations. They give you the opportunity to hear, first-hand, the latest on issues that impact your agency's programs. This type of current and behind-the-scenes information isn't available to state emergency managers elsewhere.

The vast majority of states are represented at NEMA policy forums. For that reason, federal agencies, members of Congress and their staff, administration officials, and other policy-makers attend the meetings so that they can discuss policy and program issues and get input from state and territorial directors.

#### **Annual Emergency Management Policy and Leadership Forum – Why It's Important to You**

The location of the NEMA Annual Emergency Management Policy and Leadership Forum rotates every year, taking place in the home state of the current NEMA president. In addition to the important benefits listed previously, one of the main reasons to attend the forum is to have a say in the election of new NEMA officers.

These positions are voted on at the annual forum and include the vice-president, secretary and treasurer. The vice president automatically assumes the office of president upon completion of their term. Ten regional vice presidents are also selected by their respective regional membership

prior to the annual forum. The officers, regional vice presidents, and committee chairs constitute NEMA's Board of Directors.

#### **Mid-Year Emergency Management Policy and Leadership Forum – Why It's Important to You**

Scheduled in late winter and held in Washington, D.C., the Mid-Year Emergency Management Policy and Leadership Forum takes place shortly after the president has released the budget request for the next fiscal year and delivered the State of the Union address. NEMA provides an analysis of the budget and members use the forum to learn more about the budget proposals, including the potential impact on emergency management. During the forum, the NEMA Legislative Committee identifies legislative priorities for the year in accordance with the budget request and proposed legislation.

Given the Washington, D.C., location, NEMA considers the forum crucial in its on-going efforts of educating elected officials about emergency management issues. Time is set aside for you to meet with your congressional delegation to discuss NEMA's legislative priorities and your own state issues. As a director, you will either make your own arrangements for these appointments or work with your governor's Washington, D.C., office. NEMA will also be happy to assist you in identifying the right person in your congressional office, answer any questions and provide you with speaking points and background information on all relevant issues.

NEMA typically honors up to four members of Congress on an annual basis in conjunction with the Mid-Year Forum. Directors have the opportunity to nominate members of Congress a couple of months prior to the forum and the Legislative Committee votes on the final selection. The honorees are those who have demonstrated strong leadership and support for state emergency management and homeland security issues and have successfully advanced legislation to enhance national preparedness and security.

***The primary value of participating in the forums is the opportunity of networking with your peers. Twice a year we have the good fortune to take time and work together to discuss current topics, talk through challenges with one another and gain feedback and new perspectives.***

***Our positions as State Emergency Management Directors is unlike any other position you will hold during your career. Being able to spend time with one another and be present (rather than juggling too many things each day at the office), to discuss and debate topics, recharge and re-focus before returning home is a gift that should not be left unwrapped. I look forward to seeing you all at the next NEMA Forum!"***

***– Wendy Smith-Reeve, Director, Arizona Division of Emergency Management***

**5) *Serve as an Information-Sharing and Support Network for State and Territorial Directors and Senior Staff***

One of the great benefits of membership in NEMA is the information sharing and networking between directors. Through NEMA, you can reach out instantly and learn of the best practices and successful strategies employed in other states that may be replicated in your own.

At the request of the state emergency management director, NEMA may conduct surveys or canvas member states on specific issues or areas of interest. The results are then provided to you on a timely basis.

**6) *Offer Professional Development and Training so You Can Continue Honing Your Skills***

**New State and Territorial Director Training Course**

In 2003, NEMA partnered with FEMA's Emergency Management Institute (EMI) to develop a standardized training course for newly appointed state and territorial emergency management directors. The State Director Training Course may be held annually and typically in the summer. The course includes presentations by subject-matter experts, class discussions, and problem-solving activities based on real-life events. These activities use a variety of disaster and emergency situations and allow you to exercise decision-making skills and to share your experiences as a director.

The target audience for the course includes people like you—state and territorial directors of emergency management—and/or deputy directors, who have been in their positions fewer than three years. As soon as dates for the training are scheduled, you will receive notification and registration information from NEMA and EMI. Typically, EMI can provide reimbursement for travel costs. The training is provided free of charge.

**Professional Development**

NEMA periodically offers professional development opportunities and issue-specific seminars for state and territorial directors. Professional development is offered in response to emerging trends and issues that affect directors and their agencies. These opportunities are offered free of charge to state and territorial directors and are often held in conjunction with NEMA forums for travel convenience. NEMA may also host periodic webinars for its members focused on timely issues of importance to the states. If there are issues that you'd like to see addressed in a workshop or webinar, please forward those recommendations to your NEMA regional vice president or the NEMA president.

**Mentors for New Directors**

New directors can often benefit from a trusted advisor or a mentor who can provide helpful information or good advice. Serving as a mentor to new directors is one of the responsibilities of your NEMA regional vice president who is glad to answer any questions you may have regarding NEMA and, more importantly, your job so that you can increase your chances of success in your new position.

## A-2. Organization and Management

### Membership

The core membership of NEMA is you, the state emergency management director. Your annual state membership dues are \$4,500.00. Associate (non-voting) membership categories include all areas of emergency management, such as alumni state directors, homeland security advisors, federal agencies, corporations, non-profit organizations, local emergency managers, students, academia and retired emergency management professionals.

You are strongly encouraged to register up to ten of your senior staff for membership in NEMA at no additional charge. Membership in a national organization like NEMA provides a broader perspective for your staff on national issues and how they may impact your state. NEMA also provides an instant information exchange and support network among emergency management professionals and enables them to communicate regularly on common issues. Finally, membership in NEMA provides professional development opportunities for you as well as your staff.

### Board of Directors

The NEMA Board of Directors is the driving force behind the organization and consists of five officers, 10 regional vice presidents and committee chairs at a number appointed by the president. All the leadership positions, as well as the committee voting membership, are filled by state emergency management directors. That's why it's vital that you become an active participant in NEMA.

### Officers and Regional Vice Presidents

As stated previously, NEMA officers include the president, vice president, treasurer, secretary and past president. The 10 regional vice presidents match those regions as currently designated by FEMA.

### Committee Chairs

Just prior to the annual forum, the incoming NEMA president selects the standing committee chairs and vice chairs. If you're interested in a leadership position, become an active committee participant. It's a great way to learn about the issues and the organization.

### Becoming an Officer

You are eligible to become a NEMA officer candidate after having been a member in good standing for at least two years. To become a candidate, you must submit the following paperwork at least 90 days in advance of the next NEMA annual forum when elections will be held.

- Letter to NEMA stating your candidacy and the office you seek
- A copy of your bio or list of qualifications
- Letter from the governor or immediate supervisor approving the time and travel necessary to fulfill the duties of the office

### Role of the Private Sector

Though NEMA was originally founded for the exchange of information and perspectives among state emergency directors and their staffs, the association has long encouraged private sector representatives to actively participate in NEMA meetings and committees. In fact, NEMA has a standing Private Sector Committee. The private sector is a vital component of the national emergency management system, and an important partner for state agencies.

While private sector members do not have voting privileges, their expertise can prove to be invaluable in helping to solve the critical issues that you face as an emergency management director.

### Role of the NEMA Past Presidents

NEMA is fortunate in that its former association presidents remain engaged years after they have left office and even after they have left state government. The NEMA past presidents possess the organization's historical and institutional knowledge and have responsibilities to serve as a resource for state directors.

A past president liaison(s) is assigned to each NEMA standing committee. Past presidents often serve as instructors and subject matter experts in training opportunities in order to share their years of experience and lessons learned with current state directors. You will see the NEMA past presidents in state director meetings and other venues where they can be a helpful resource.

## NEMA's Relationship with CSG

The formal relationship between NEMA and The Council of State Governments (CSG) began in 1990. CSG is the nation's only organization serving every elected and appointed official in all three branches of every state government. NEMA has a memorandum of agreement with CSG, which is also headquartered in Lexington, Kentucky for secretariat services. Through our respective agendas, both CSG and NEMA are committed to promoting the role of the state and to foster excellence in the functions of government.

CSG provides a variety of avenues for NEMA to educate and inform the broader community of state government on emergency management issues. Frequent emergency management and homeland security-related articles are published

in CSG's *Capitol Ideas* magazine, which is distributed to state officials representing the executive, legislative and judicial branches of government. NEMA is represented on various CSG committees and provides reports and briefings to those standing bodies. In the past, CSG committees have endorsed a number of NEMA-sponsored policy papers, giving them increased credibility and visibility on a national scale.

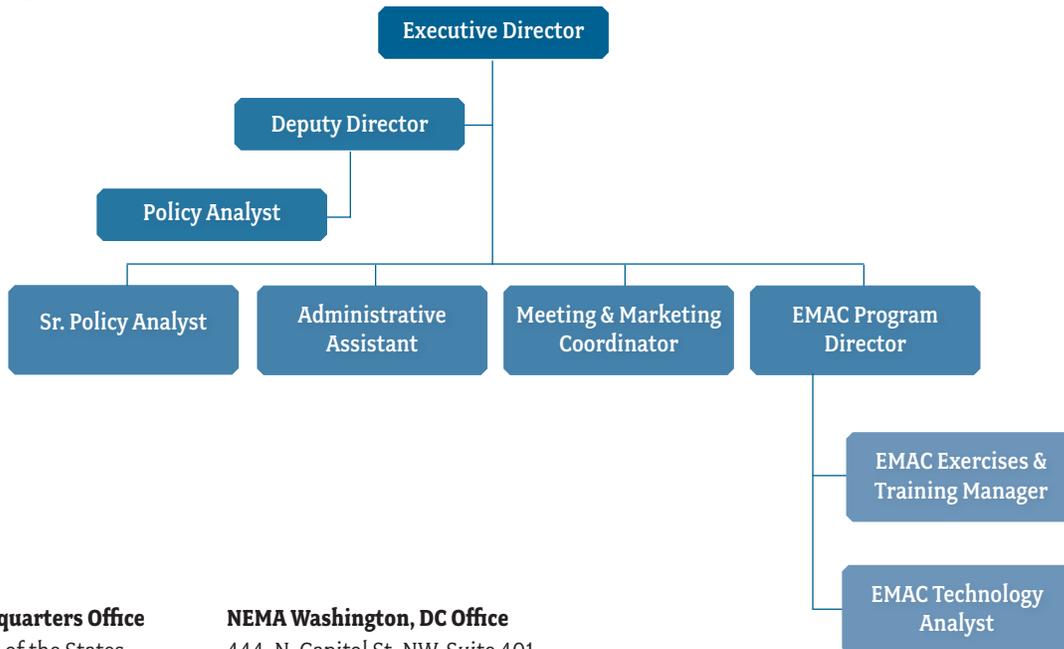
NEMA's main office is co-located with CSG in Lexington, Kentucky. NEMA also maintains a presence in Washington, D.C., with staff co-located in the CSG Washington office in the Hall of the States building. By leveraging the resources of CSG, NEMA can expand its capacity to serve our members.

[\[www.csg.org\]](http://www.csg.org)

## NEMA Staff

NEMA has seven full-time staff located at the headquarters office in Lexington, Kentucky and two full-time staff in the Washington, D.C., office.

### NEMA Staff Organizational Chart



#### NEMA Headquarters Office

1776 Avenue of the States  
Lexington, KY 40511  
Ph: 859-244-8000

#### NEMA Washington, DC Office

444. N. Capitol St. NW, Suite 401  
Washington, DC 20001  
Ph: 202-624-5459

## A-3. NEMA Resources

### NEMA Library on Emergency Management and Homeland Security

As a director, you have full access to the NEMA website library of emergency management related documents. This includes everything from NEMA position papers to legislative committee reports, from congressional committee testimony to historical information on critical federal funding programs such as Emergency Management Performance Grant Program, State Homeland Security Grant Programs, and the Hazard Mitigation Grant Programs. There are conference presentations, training materials, copies of state plans and strategies, and much more. Most of the documents are located on the NEMA website at [www.nemaweb.org](http://www.nemaweb.org). NEMA members have access to password protected areas of the library and website.

#### Surveys

NEMA conducts surveys on an as-needed basis. Sometimes, NEMA surveys the directors in anticipation of response to changes in national emergency management policies or programs. Frequently, survey requests come from state or territorial directors who are trying to learn how their counterparts in other states are managing a specific program or issue. Survey results are shared with all state directors and can be valuable tools in managing your state emergency management program.

#### Publications

*The following is a listing of NEMA publications:*

##### Ready Nation Series

NEMA publishes a series of weekly and monthly electronic newsletters that are distributed to the entire membership, including those individuals on your staff who have joined NEMA. The newsletters are focused on national policy and legislative updates, state best practices, activities with partner organizations, spotlight on NEMA members, and EMAC.



**Ready Nation: People**  
*Showcases NEMA members*



**Ready Nation: Policy**  
*Focuses on legislative and policy updates*



**Ready Nation: Partners**  
*Highlights activities of and with NEMA partner organizations*



**Ready Nation: Prepared**  
*Showcases state good practices and innovations*



**Ready Nation: EMAC**  
*News and information from EMAC including deployments and training*



### **The NEMA Biennial Report**

Bi-annually, NEMA surveys all state emergency management agencies to gather comprehensive data regarding state organizational structures, budgets, staffing and much more. The data is published in a national report and provided to the administration, Congress, the federal government, governors, state legislators and other decision-makers who may play a role in budget or policy-making decisions related to emergency management. This is a one-of-a kind publication, as no other organization in the country possesses this data. Data gathered through this survey is also used in NEMA congressional testimony to support funding increases for emergency management. In addition, directors frequently use this data to justify budget or staffing increases, internal reorganizations, or program advancements. NEMA has the ability to format the data in any way that best serves your needs. When the next survey period arrives, it is vital that you participate in the survey and verify the data submitted.

### ***Are You Ready to Lead? A Public Official's Primer on All-Hazards Emergency Management***

Educating and informing public officials about the importance of strong emergency management programs at the state and local level is an important aspect of your job as director. To assist in that effort, NEMA published a primer on emergency management that is geared toward new governors but can also be a valuable resource for members of Congress, state legislators, mayors and other elected and appointed officials. The publication is available free of charge to state and territorial directors as long as supplies last.

### ***Model Intrastate Mutual Aid Legislation***

Building upon the success of an existing state-to-state mutual aid system, NEMA released *Model Intrastate Mutual Aid Legislation* to help states develop or refine statewide mutual aid agreements for their local jurisdictions. Through a FEMA grant awarded to NEMA, a working group of state emergency management professionals with a multi-disciplinary background was formed to draft the model agreement. It addresses such issues as reimbursement, workers' compensation, and license and permit portability, immunity and member responsibilities. The model legislation is available on the EMAC website at [www.emacweb.org](http://www.emacweb.org).

### ***Emergency Management Return on Investment Report***

Since 2011, NEMA and the U.S. Council of the International Association of Emergency Managers (IAEM-USA) have provided a joint report to Congress detailing the return on investment realized by the Emergency Management Performance Grant (EMPG) program. This annual report is cited in congressional statements and testimony, and details how federal grant funds are invested to build state and local emergency preparedness, response and recovery capabilities for national preparedness.

## A-4. Emergency Management Policy and Leadership Forums

### Forum Registration

Registering for a NEMA policy and leadership forum is completely automated, very easy and takes only a few minutes. Go to [nemaweb.org](http://nemaweb.org); sign in using your e-mail address and password, choose “Fast Track Registration,” verify that the information is correct, select a payment option and submit. If you have forgotten your username or password, an icon on the front page of the NEMA website provides retrieval of the information.

Registration fees vary among membership categories. Please see the forum page on the NEMA website for more information.

Additional information on the forums, including meeting agendas, logistics, sponsor and exhibitor information, and available issue papers are accessible from the website. If you have any difficulty in locating this information, please contact the NEMA administrative assistant at (859) 244-8143.

### Committee Meetings

Each NEMA committee meets during both the NEMA Mid-Year and Annual Policy and Leadership Forums. Agendas are established ahead of time by committee leadership with input from committee members. In addition to the committee(s) on which you serve, you are welcome to participate in all committee meetings. It’s an excellent way for you to learn more about important issues, listen to subject matter experts and learn about NEMA action on a specific agenda item.

### Seating during Committee Meetings

At each committee meeting, state and territorial director members, and liaisons from the private sector, legal counsel, and past presidents that serve on that committee, are seated around the conference table. Other forum attendees are invited to use the perimeter seating.

### Voting

Only state and territorial director committee members are allowed to vote on any pertinent business during committee meetings. Directors unable to attend voting sessions may provide a written proxy to their NEMA regional vice president or another state director giving authority to that person to vote on their behalf.

### Sponsors/Exhibitors

NEMA forums are made possible through the generosity of corporate sponsorship. These sponsors are offered the opportunity to set up an exhibit during the forum. If additional exhibit space is available, space is offered to non-sponsoring companies on a first-come, first served basis.

You’re encouraged to spend time viewing the exhibits and interacting with the sponsors. The private sector provides solutions to many pressing emergency management and homeland security concerns. NEMA forums provide an excellent opportunity for you and your staff to learn about new and emerging technologies, products and services.

Because NEMA forums have very full agendas, and to ensure quality networking opportunities, the number of sponsors and exhibitors is deliberately limited. This allows you and members of your staff to spend reasonable time viewing the exhibits and speaking with exhibitors while maintaining your busy meeting schedule.

At both the mid-year and annual forums, NEMA also sponsors an exhibits reception to give you and other attendees an additional opportunity to visit the booths and speak with the sponsors and exhibitors about solutions for emergency management and homeland security programs.

## A-5. State Director Action Items

### NEMA

- Contact NEMA upon your appointment as state director and provide your contact information, electronic photo and a copy of your bio.
- Indicate your preferred committee assignment(s).
- Sign up for a NEMA website username and password.
- Regularly update your profile online — NEMA relies on this to communicate with you, and if it is not updated, you could miss vital news.
- Review your state staff membership roster and contact information and provide updates to NEMA.

# SECTION B.

## OVERVIEW OF EMERGENCY MANAGEMENT

### **B-1. Roles and Responsibilities of State Government**

States recognize that local governments have the first line of responsibility in the preparation for, response to and recovery from most emergencies and disasters. Actions by the state are always in support of local government. Strengthening the capabilities of local government will help prevent the loss of life and property during disasters, deliver assistance to victims most expediently, and reduce costs.

An effective emergency management system recognizes the necessary integration of local, tribal, state, regional and federal organizations capable of creating a single management structure in response to disasters.

#### **State government should ensure that:**

- Emergency management is recognized as a critical government service.
- Hazards and threats are identified and emergency operations plans are in place to address them; mitigation and prevention activities are encouraged and supported.
- Emergency management agencies are appropriately staffed, trained and resourced.
- Emergency operations centers are functional and used to coordinate disaster response; interoperable communications systems are in place; and information-sharing takes place between all response entities.
- Emergency warning and notification systems exist. Government has the ability to provide clear and timely information to the public during times of disaster.
- Mutual aid systems help facilitate the request or provision of supplemental disaster assistance when needed.
- The private sector, volunteer agencies and other key stakeholders are engaged with government in planning and preparedness activities and are effectively utilized during disaster response and recovery.
- Citizens understand their responsibility and act to prepare for disasters and lessen their reliance on government.
- Communication and coordination take place regularly between emergency management agencies at all levels of government.<sup>i</sup>



## Phases of Emergency Management

**Mitigation:** Activities undertaken to avoid, eliminate or reduce the probability of occurrence, or to lessen the effects of an emergency or disaster. It involves actions to protect lives and property and to defend against attacks.

**Preparedness:** Activities undertaken to prepare for disasters and emergencies and facilitate future response and recovery efforts. Includes writing emergency operations plans and procedures, training, exercises, evacuation planning, public education and warning.

**Response:** Activities undertaken in the immediate aftermath of a disaster that help to reduce casualties and damage, and that expedite recovery. Response activities include warning, evacuation, rescue and other similar operations.

**Recovery:** Reconstruction, repair and rebuilding activities intended to restore a community. In addition to permanent repairs to bridges, roads and buildings, these activities include helping victims return to permanent housing, community redevelopment activities, and long-term redevelopment planning.

## Role of the Governor

As the state's chief executive, the governor is responsible for the public safety and welfare of the people of his or her state. During and following an emergency or disaster, a governor may be called upon to make difficult or controversial decisions in order to save lives and protect property and resources. During a proclaimed emergency or disaster, a governor has extraordinary powers, including the authority to call up the National Guard, order evacuations, access emergency resources including emergency funding, seize property and suspend state laws and regulations. Effective emergency management efforts enhance the public's perception of the governor and the emergency management program; less-than-effective efforts reflect unfavorably upon an administration.

### The governor's role in emergency management is to:

- Establish direct and close working relationships with the emergency management team.
- Understand the hazards that threaten jurisdictions in the state and what is being done to address them.
- Understand state laws and authorities for emergencies and disasters and execute them when needed. Understand the state emergency operations plan and the role of the governor.
- Assess the state's emergency management resources and capabilities and support efforts to address gaps or shortfalls.
- Encourage all government agencies and business leaders to coordinate and collaborate with the emergency management agency.
- Encourage individuals, families and businesses to develop an emergency plan and be self-sufficient in the immediate aftermath of a disaster.
- Know what actions to take before requesting a presidential or other disaster or emergency declaration.
- Learn the types of assistance available for state and local governments, private citizens and businesses in the event of an emergency or disaster.
- Determine actions to take following a disaster or emergency declaration, to effectively implement state and federal assistance.
- Know and prepare the process for requesting federal and other assistance.
- When a disaster occurs, establish communication with the emergency management agency and coordinate messages to the public.

## Role of the Emergency Management Agency

Emergency management is an activity, a profession, a discipline and a critical government agency. Its purpose is to apply resources and efforts to mitigate, prevent when possible, protect where feasible, and to respond and recover from all threats and hazards that impact the safety and security of the nation. Government has the responsibility to ensure an effective response to any disaster or emergency that threatens the residents and communities of a state.

### The emergency management agency's role is to:

- Identify and assess potential hazards;
- Develop comprehensive emergency operations plans and procedures;
- Train personnel;
- Conduct drills and exercises to test plans;
- Work among levels of government, volunteer agencies and the private sector to ensure that all understand their roles and responsibilities during disaster response;
- Provide critical information to the public before, during and after a disaster occurs;
- Facilitate mutual aid;
- Administer disaster assistance programs; and
- Provide overall coordination for disaster response.

## Role of the State Emergency Management Director

The state emergency management director is appointed by the governor in 34 states. In many states, the emergency management director also serves as the homeland security advisor. More than half of state emergency management directors serve as the State Administering Agency (SAA) which has responsibility for the administration of federal emergency management and homeland security grant programs.

The state emergency management director is a subject matter expert and trusted advisor to the governor. At all times and regardless of personal consequences, the emergency management director provides a full and honest account of the capabilities of state and local government and is responsible for addressing any gaps or shortfalls.

### The duties of the emergency management director are to:

- Establish and maintain an integrated statewide emergency response structure.
- Establish and maintain an effective organization that includes plans, staff, facilities, and equipment.
- Gauge, monitor, and support improvement of the emergency management capabilities of local government.
- Continuously assess and improve state emergency management capabilities.
- Develop an effective public information capability and establish media relations.
- Develop effective coalitions with volunteer agencies, nongovernmental organizations, business and industry.
- Plan for the whole community including children, the elderly, the poor, disabled and pets.
- Serve as the state coordinating officer (SCO) during emergencies declared by the governor, facilitating the acquisition and application of state and federal resources upon request by impacted jurisdictions.
- Serve as the governor's authorized representative (GAR) during the recovery process, channeling and coordinating federal recovery aid and assistance to impacted jurisdictions.



## **NEMA STATE EMERGENCY MANAGEMENT DIRECTOR RECOMMENDED CRITERIA**

*Updated October 2018*

### **ESSENTIAL EXPERIENCE:**

- Experience in and understanding of the principles of emergency management.<sup>i</sup>
- Knowledge of and experience with local, state and/or federal government.
- Working knowledge of public policy development and the states' role in the federal system.
- Ability to work with elected officials at all levels of government; demonstrated understanding of the legislative process.
- A record of progressively challenging leadership positions; ability to manage organizations that expand during crisis and rapidly changing situations.
- Ability to develop and articulate a strategic vision and direction.
- Experience in leading change, strategic planning, organizational assessment and development, and financial management.
- Experience with public budgeting process and in financial management and familiarity with Federal grants and the budgeting of Federal funds.
- Experience in coordinating across organizations and agencies and among different levels of government, and work with the private sector to achieve specific outcomes and developing and maintaining meaningful partnerships.
- Demonstrated ability in problem solving and successful decision-making, especially during crisis and rapidly changing situations.
- Excellent communications skills to deal effectively with state executive branch, legislature, Congress, other state agencies, the media, citizens and other constituents and stakeholders.
- Ability to advocate for the state's emergency management program and build capability statewide while fostering collaborative and valuable partnerships.
- Working knowledge of the National Incident Management System, FEMA Preparedness Grants, Federal Disaster Assistance Programs, the Emergency Management Assistance Compact, and the Emergency Management Accreditation Program.

### **DESIRED EXPERIENCE:**

- Experience leading an emergency management or public safety organization in the public or private sector.
- Working knowledge of homeland security concepts and prevention and protection-based programs.
- Leadership experience in prior disasters; understanding of the disaster declaration processes.
- Skills in developing, implementing and assessing comprehensive emergency response plans, training programs and exercises.
- Familiarity with state and Federal programs, policies, laws and authorities related to emergency management, to include, but not limited to, public health preparedness, school safety, cyber security and agriculture.
- Ability to articulate and impart values; pattern of leaving organizations stronger and healthier than at the time of entry.<sup>ii</sup>

## B-2. Laws and Authorities

### Local, Tribal, State and Federal

The state emergency management director must be familiar with laws and authorities related to emergency management and homeland security at all levels of government.

#### Federalism

*“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

(10th Amendment, U.S. Constitution, December 15, 1791)

Arguably, from time to time the federal government has been known to overreach with its powers, and this may be particularly true during large-scale or catastrophic disasters. When this occurs, it may be advisable to remind federal partners of the sovereign rights of states.

To help coordinate this relationship between state and federal partners, documents such as the National Response Framework recognize that virtually all emergencies start and end locally; as the scale and/or complexity increases, state and then federal support may be needed.

#### Local Government

It is important for the state emergency management director to be familiar with the specific authorities of local government in order to understand the appropriate state/local interface on emergency management-related activities.

In the United States, some states constitutionally or legislatively grant “home rule” to cities, counties, and municipalities within their borders. These are called “home rule states.” Local governments in home rule states are free to pass laws and ordinances as they see fit to further their operations, within the bounds of the state and federal constitutions. In other states, local governments have only the authority expressly granted to them by state legislatures, typically in accordance with the legal principle known as Dillon’s Rule.

Thirty-nine states employ Dillon’s Rule to define the power of local governments. Of those 39 states, 31 apply the rule to all municipalities and eight appear to use the rule for only certain municipalities. Ten states do not adhere to Dillon’s Rule at all; yet Dillon’s Rule and home rule states are not opposites. No state reserves all power to itself, and none devolves all its authority to localities. Virtually every local government possesses some degree of autonomy, and every state legislature retains some degree of control over local governments.<sup>iii</sup>

#### Tribal Government

There are 573 federally recognized tribes in the United States. Federal recognition is granted by the U.S. Department of the Interior. This means the tribes are sovereign nations and have been granted the right to self-govern. They are entitled to certain federal benefits, services, and protections because of the trust relationship they have with the federal government. As such, tribal governments are responsible for coordinating resources to address incidents. There are 326 federally recognized reservations. This means that some tribes do not have a land base and members live within other jurisdictions but still retain the rights of tribal governance. Each tribe has a unique culture. It’s important to acknowledge this and not make assumptions that any two tribal communities will look like or operate in the same way.

The Sandy Recovery Improvement Act (SRIA) of 2013 (P.L. 113—2) included a provision allowing federal recognized Indian tribal governments the option to request federal disaster assistance directly from FEMA. As was the practice prior to the passage of SRIA, tribes may still choose to seek assistance under a state declaration request. To facilitate this process, each FEMA regional office maintains a Regional Tribal Liaison.

#### State Government

Every state, territory, and the District of Columbia has statutes in place that provide specific authorities during emergencies and disasters. It is vital that the state emergency management director be intimately familiar with state emergency management laws and able to advise the governor on his or her authorities.

*Typically, statutes address the following issues:*

- Identification of key positions within state government and their responsibilities;
- Emergency declaration procedures;
- Types of assistance that may be provided by the state;
- Mutual aid;
- Emergency funding; and,
- Continuity of government operations.

In 43 states, the governor has the authority to issue a state disaster declaration or initiate a state response that is comparable to the authority given the President of the United States in the Stafford Act. The mayor has the authority in the District of Columbia. The lieutenant governor also has the authority to make a state disaster declaration in at least seven states, while the state emergency management director has the authority in four states. It's important to know who has what authorities for state disaster declarations.

To move citizens out of harm's way, the governor has explicit authority codified in law to direct and compel emergency evacuations in 38 states. In 29 states, mayors also have the authority to issue mandatory evacuations. Thirteen states allow the county/parish commissioner or judge executive to issue a mandatory evacuation. Other states allow a wide range of individuals to require evacuations, from sheriffs to public health officers.

States use a variety of penalties to enforce evacuation orders. Most of the punishments are classified as misdemeanors. The most common penalties are removing individuals by force, arresting them or imposing fines. However, in most states there are no penalties for violating a mandatory evacuation order.<sup>iv</sup>

It is important for the state emergency management director to also be familiar with public health authorities. In a public health emergency, the public health secretary has the authority to issue an emergency declaration in many states and serves as the lead state agency in the response. Public health statutes may address such controversial issues as quarantine and isolation. These authorities will vary from state to state. It's important that state emergency management and public health officials understand their respective roles and responsibilities during public health emergencies. They must plan, train, and exercise together and communicate well to ensure an integrated and seamless response.

The state emergency management director may also need to become familiar with the emergency authorities of other state agencies that play critical roles during times of emergency or disaster. Other agencies may include the National Guard, department of public safety, department of health, department of transportation, and those with emergency support function responsibilities.

**John Forest Dillon, for whom Dillon's Rule is named, was the chief justice of the Iowa Supreme Court approximately 100 years ago. He was also one of the greatest authorities of his time on municipal law and a prolific writer on local governments.**

Judge Dillon was a man who greatly distrusted local governments and local government officials. He is quoted as saying that "those best fitted by their intelligence, business experience, capacity and moral character" usually did not hold local office and that the conduct of municipal affairs was generally "unwise and extravagant."

Perhaps largely because of such strong beliefs, Judge Dillon expounded his famous rule, which was quickly adopted by state supreme courts around the nation.

## **What is Dillon's Rule?**

Dillon's Rule is used in interpreting state law when there is a question of whether a local government has a certain power. Lawyers call it a rule of statutory construction.

Dillon's Rule construes grants of power to localities very narrowly. The bottom line is that if there is a question about a local government's power or authority, then the local government does not receive the benefit of the doubt. Under Dillon's Rule, one must assume that the local government does not have the power in question.

In legal language, the first part of Dillon's Rule reads like this: Local governments have only three types of powers, those granted in express words, those necessarily or fairly implied in or incident to the powers expressly granted and those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable.

It is the second part of Dillon's Rule however, that puts the vice on local government's powers. This part states that if there is any reasonable doubt whether a power has been conferred on a local government, then the power has not been conferred. This is known as a rule strict construction of local government powers.

## Federal Government

### The U.S. Constitution

The Posse Comitatus Act is a United States federal law (18 U.S.C. § 1385) passed on June 18, 1878, after the end of Reconstruction, with the intention (in concert with the Insurrection Act of 1807) of substantially limiting the powers of the federal government to use the military for law enforcement. The act prohibits most members of the federal uniformed services (today the Army, Navy, Air Force, and Marines when such are called into federal service) from exercising nominally state law enforcement, police, or peace officer powers that maintain “law and order” on non-federal property (states and their counties and municipal divisions) within the United States.

The statute generally prohibits federal military personnel and units of the National Guard under federal authority from acting in a law enforcement capacity within the United States, except where expressly authorized by the Constitution or Congress. The Coast Guard is exempt from the Act.

### Homeland Security Presidential Directives

In the wake of September 11, 2001, the White House established a new classification of Presidential Directive called the National Security Presidential Directive (NSPD). These later morphed into the Homeland Security Presidential Directive (HSPD) and the current Presidential Policy Directive (PPD). While Presidents issued dozens of these directives over time, the most relevant ones today include:

- **HSPD – 5: Management of Domestic Incidents.** Issued February 28, 2003. Enhances the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.
- **HSPD – 7: Critical Infrastructure Identification, Prioritization, and Protection.** Issued December 17, 2003. Establishes a national policy for Federal departments and agencies to identify and prioritize critical infrastructure and to protect them from terrorist attacks. The directive defines relevant terms and delivers 31 policy statements. These policy statements define what the directive covers, and the roles various federal, state, and local agencies will play in carrying it out.
- **PPD – 8: National Preparedness.** Issued March 30, 2011. The companion to HSPD-5, this directive is aimed at strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the nation, including acts of terrorism, cyber-attacks, pandemics, and catastrophic natural disasters.

- **PPD—21: Critical Infrastructure Security and Resilience.** Issued February 12, 2013. Advances a national unity of effort to strengthen and maintain secure, functioning, and resilient critical infrastructure.

## Federal Legislation

In addition to the various Presidential Directives, over the years, Congress enacted myriad laws governing the organization and conduct of homeland security and emergency management activities.

### Homeland Security Legislation

- **USA PATRIOT Act**  
P.L. 107—56; October 26, 2001  
Meant to prevent and deter terrorists and terrorist organizations, the act enhanced law enforcement investigatory tools and changed criminal and border laws.
- **Homeland Security Act of 2002**  
P.L. 106—296; November 25, 2002  
Created the Department of Homeland Security and consolidated 22 Federal agencies into the organization.
- **Implementing Recommendations of the 9/11 Commission Act**  
P.L. 110—53; August 3, 2007  
Implemented various recommendations of the 9/11 Commission created by Congress after September 11, 2001. Improves intelligence and information sharing across all levels of government.

### Emergency Management Legislation

- **Robert T. Stafford Relief and Emergency Assistance Act (Stafford Act)**  
42 U.S.C. 5121; November 23, 1988  
Constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs.
- **Disaster Mitigation Act of 2000 (DMA-2K)**  
P.L. 106—390; October 30, 2000  
Amended various programs within the Stafford Act. Provides legal basis for FEMA mitigation planning requirements for state and local governments as a condition of mitigation grant assistance. Established a new requirement for local mitigation plans and authorized up to seven percent of HMGP funds available to a state for development of state, local, and Indian tribal mitigation plans.
- **Post Katrina Emergency Management Reform Act (PKEMRA)**  
P.L. 109—295; October 4, 2006  
Addressed various shortcomings identified in the preparation for and response to Hurricane Katrina. The act enhances FEMA’s responsibilities and its autonomy within DHS and reformed various programs.

- **Sandy Recovery Improvement Act (SRIA)**

P.L. 115-2; January 29, 2013

Authorized several significant changes to the way that FEMA may provide federal disaster assistance to survivors. Among other things, addressed public assistance alternative procedures, hazard mitigation, dispute resolution, unified federal review, assistance to individuals and households.

- **Disaster Recovery Reform Act (DRRA)**

P.L. 115—254; October 5, 2018

Provided the President various waiver options and made changes to several existing programs within FEMA. The two most significant changes for emergency management include a new calculation (up to 6 percent of disaster costs) for funding predisaster mitigation and an increase in management costs for both Public Assistance and the Hazard Mitigation Grant Program.

### **Implementing Legislation; Code of Federal Regulations**

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. In short, this is where federal agencies interpret and make legislation actionable. The CFR is divided into 50 subject matter titles. Each chapter is further subdivided into subchapters and “parts.” Title 44 (44 C.F.R) governs FEMA and federal disaster assistance and is organized as follows:

- 44 CFR Chapter 1; Emergency management and Assistance
  - Subchapter A – General (Parts 0-26)
  - Subchapter B – Insurance and Hazard Mitigation (Parts 50-54) \*
  - Subchapter C – Fire Prevention and Control (Parts 150-153)
  - Subchapter D – Disaster Assistance (Parts 200-210)
  - Subchapter E – Cerro Grande Fire Assistance (Parts 295-296)
  - Subchapter F – Preparedness (Parts 300-363)

*\*Gaps in parts designations are reserved for future use.*

The emergency management director and senior staff, particularly legal staff, should be familiar with 44 CFR Section 206. [<https://www.law.cornell.edu/cfr/text/44/part-206>]

One example of how the CFR functions is in the implementation of the disaster declaration process established in the Stafford Act and authorizes the president to provide major disaster and emergency declarations to states for events in the United States that overwhelm state and local capability, upon request by a governor.

A full description of federal disaster assistance programs authorized through the Stafford Act can be found in **Section F: Recovery** in the *State Director Handbook*.

### **Non-Primary Legislative Initiatives**

The activity level of Congress in emergency management and homeland security legislation varies widely based on worldwide events and the interest level of individual legislators. From time to time throughout the year, Congress will consider smaller pieces of legislation that, while they may not affect the broad and sweeping changes of those mentioned above, still have significant impact on programs.

#### **Earthquake Hazards Reduction Act of 1977**

The Earthquake Hazards Reduction Act of 1977 (Public Law 108-360) provides for the establishment of the National Earthquake Hazards Reduction Program (NEHRP) to reduce the risk to life and property from future earthquakes. FEMA is designated the agency with primary responsibility with planning for the federal response to a catastrophic earthquake.

#### **Comprehensive Environmental Response, Compensation, and Liability Act of 1980**

More popularly known as “Superfund,” CERCLA was passed to provide the needed general authority for federal and state governments to respond directly to hazardous substance incidents and requires facilities to notify authorities of accidental releases of hazardous materials.

#### **The Emergency Planning and Community Right-to-Know Act of 1986**

Public Law 99-499 governs hazardous materials planning and right-to-know.

#### **Hazardous Materials Transportation Uniform Safety Act (HMTUSA)**

Public Law 101-615 provides funding to improve capabilities to respond to hazardous materials incidents.

#### **The Atomic Energy Act, as amended**

Public Law 85-256 provides for a system of compensating the public for harm caused by a nuclear accident.

#### **Federal Fire Prevention and Control Act of 1974, as amended**

Public Law 94-498 created the U.S. Fire Administration and National Fire Academy; improved professional training and education oriented toward improving the effectiveness of the fire services, including an increased emphasis on preventing fires and on reducing injuries to firefighters; created a national system for the collection, analysis, and dissemination of fire data to help local fire services; and otherwise established a coordinated program to support and reinforce the fire prevention and control activities of state and local governments.

### B-3. State Emergency Management Organizational Structures

Organizational structures for emergency management agencies vary widely among states and are usually based on the specific needs of a state. Currently, in 7 states, emergency management is a combined department with homeland security; in 13 states it is located within the department of public safety; in 16 states it is located within the military department under the auspices of the adjutant general; and in 11 states, it is within the governor’s office; in 2 states it is under the state police. It should be noted that in seven of the ten states with the most disaster declarations since 1953, the emergency management director reports directly to the governor.<sup>vi</sup>

State Emergency Management Organizational Structures



Regardless of where the emergency management agency is located within state government, it is imperative that the director have access to the governor during times of emergency and disaster. Layers of bureaucracy can impede communication and decision-making when time is of the essence during a crisis.

Staffing levels also vary widely among states and may range from eleven personnel in a small state to more than 400 personnel in a large state. It is the responsibility of state government to ensure that adequate numbers of personnel are assigned to public-safety related agencies and appropriately trained. During times of disaster, many states have the need to “surge” their staff and therefore have created what are referred to as “disaster reservist programs.” Such programs are mainly comprised of retired state government personnel and/or military personnel who are trained and on call during emergencies and disasters. Typically, they serve in community relations positions and provide information to impacted

communities and citizens regarding the availability of disaster assistance and how to access it. This is a good way to enhance staff capacity without adding positions and salary costs, and it ensures that a trained cadre of supplemental personnel is available when needed.

The state director must be able to manage an organization that may expand or contract, based on the number and frequency of disasters that impact the state. For those states that have infrequent disasters or emergencies, it’s important to maintain the skill levels of the emergency management staff. Besides training, allowing staff to go on mutual aid deployments through the Emergency Management Assistance Compact (EMAC) can help not only to maintain current skills, but may also enable staff members to collect new ideas and best practices from other states. Mutual aid is another way to surge staff capacity when needed and provides access to some of the most experienced emergency management personnel in the nation.

vi. NEMA 2018 Biennial Report, National Emergency Management Association, 2018

## B-4. How States Fund Emergency Management Programs

Historically, emergency management has been underfunded in most states, particularly during lean budget years. During non-disaster periods it is difficult for emergency management to compete for funding against other more politically popular programs, such as education, economic development, and health and welfare. The challenge for the state emergency management director is to “tell the story” of emergency management in a way that continues to make emergency management a priority relative to a broad array of constituencies and generates budget support from the governor’s office and the state legislature – even in the absence of a disaster.

### State Funding Mechanisms

States rely on a variety of funding streams to support emergency management programs at the state and local government level. An appropriation by the state legislature is the primary funding mechanism. In states where nuclear power plants are located, fees or assessments are collected and used to support emergency management. In some states other fees or assessments are in place to provide supplemental funds. Gas taxes and fees on public and private insurance policies have been used to pay for emergency management in some states; however, state legislatures have become increasingly unwilling to impose any new “tax” on citizens or business.

One example of an innovative approach to generating funds is the “Secure Indiana” license plate sales program which funds the Indiana Homeland Security Foundation. The foundation, one of the first of its kind in the nation, offers financial support for critical public safety needs across Indiana. Local public safety organizations in Indiana communities are eligible to apply for such projects as equipping emergency responders with personal protective equipment, acquiring equipment for use by emergency responders, and training for emergency responders.

The state of Florida has a program that generates funding for competitive emergency management grants to state or regional agencies, nonprofit organizations, and local governments. The purpose of the grant is to support projects that will further state or local emergency management objectives. The Florida Emergency Management Preparedness and Assistance Trust Fund was implemented in the aftermath of Hurricane Andrew which devastated the state in 1992. Just three weeks after the disaster, then Governor Lawton Chiles appointed what became known as the “Lewis Commission” to make recommendations for improving the state’s disaster preparedness. Recommendation #94 stated, “The Legislature should establish an Emergency Management Preparedness and Assistance Trust fund to be administered by the Department of Community Affairs.” The legislature did enact a law that assessed an annual \$2.00 surcharge per policy on homeowner insurance policies and an annual \$4.00 surcharge per policy on business/commercial insurance policies. The Emergency Management Preparedness and Assistance Trust Fund may not supplant existing funds.

### State Disaster Funding

States pay for disasters in a variety of ways. Most states have a separate disaster trust fund in place, and funds are appropriated either annually or as needed to maintain an adequate amount of money available at all times. Some states request that the legislature appropriate funds for disasters only after they occur.

Many states have established their own state-funded assistance programs to help citizens and businesses when a disaster or emergency doesn’t meet the criteria for a presidential disaster declaration.

According to a NEMA survey published in 2018, 22 states provide assistance of some kind, in either the form of public assistance; individual assistance; unmet needs; and/or other assistance. This last category includes programs and sources such as unemployment assistance, local government loans and a governor’s disaster fund.

### State Funded Disaster Assistance Programs



State-funded programs include various types of support, including loans, grants, matching funds and other assistance. In some cases, states have established the programs, but they are un-funded, have no permanent funding source or the amount fluctuates due to financial constraints.<sup>vii</sup>

### **Emergency Management Performance Grant Program (EMPG)**

Federal grant funding is critical to increasing and sustaining the capabilities of state and local emergency management.

Provided through FEMA, the EMPG is the only source of federal funding directed to state and local governments for all-hazards emergency preparedness capacity building. The EMPG is designed as a pass-through program that allows states to share funds with local governments. While there is no pass-through requirement, most states allocate portions of the grant to support local emergency management. The EMPG is intended to be a 50 percent federal and 50 percent state/local matching program. This shared commitment demonstrates the importance of a strong emergency management program at all levels of government. In most cases, the state and local government commitment far outweighs the match requirements.

Since 2012, funding for EMPG remained stagnant, but in recent years, NEMA partnered with IAEM to begin the process of affecting an increase to close the \$116 million gap in funding to bring all eligible jurisdictions up to the 50 percent funding level.

This funding shortfall prevents some eligible jurisdictions from being able to participate in the program. Congress continues asking for performance measures on the program to quantify those capabilities built by EMPG. Each year, NEMA works with IAEM to develop a Return on Investment report for EMPG — the only one of its kind for a FEMA grant program. In addition to participating in the data request for this report, directors are highly encouraged to regularly communicate with their congressional delegation to “tell the story” of emergency management and how EMPG funds are at work in their districts.

EMPG funds are used, in part, to supplement the costs of full-time and part-time staff positions. Additional emergency management activities that are eligible under EMPG include:

- Planning
- Training
- Exercise
- Emergency Operations Centers
- Public Education and Awareness
- Equipment (based on the Approved Equipment List)
- Assessment and Accreditation

While EMPG funds are flexible and can be used for any number of emergency management related programs and activities, it is important to note once again that EMPG is a “performance” grant. As such, citizens, local and state leaders, FEMA and Congress are interested in measuring the effectiveness of this investment. Performance measurement should be a key consideration in demonstrating the need and use of these grant dollars.

### **EMPG Allocations to Local Government**

States allocate EMPG funds using a variety of factors. According to the NEMA 2018 Biennial Report, twenty-six states allocate EMPG dollars by determining a base amount for each jurisdiction, while 29 states used population as a determinant. Eight states require local jurisdictions to meet certain performance goals within their programs. On average, states allocate a little more than 47 percent of EMPG funds to local jurisdictions and other entities.

There are other factors as well, including hazards or risks, the number of personnel in the program, and whether the local emergency management director works full or part-time. Twelve states have either state statutes or administrative rules that influence how EMPG funds are to be allocated. In New Hampshire, for instance, an administrative rule requires local communities to have a local emergency operations plan as well as a hazard mitigation plan. State statute in Idaho requires that the state pass through 34 percent of EMPG funds to local jurisdictions.<sup>viii</sup>

States may maintain some portion of EMPG funds to support local programs through such activities as statewide conferences, training, planning expertise, grant administrative assistance, public education and outreach, interoperable communications, statewide alert and warning systems, and facilitation of exercises.

States may vary in how they choose to allocate funds to local jurisdictions. Regardless of the approach, it’s recommended that the state emergency management director ensure transparency with local directors regarding the methodology used to allocate funds, and to seek early input and buy-in on statewide, regional or other priorities for the use of funds. This approach will build credibility and trust between state and local emergency managers and prevent unnecessary speculation about inequity or favoritism in funding decisions.

### **NEMA as a Resource**

NEMA maintains information on state emergency management and homeland security structures, staffing and budgets on its website at [www.nemaweb.org](http://www.nemaweb.org).

## B-5. Establishing and Maintaining Executive and Legislative Support

As part of your governor's executive leadership team, there will always be a fine line between politics and policy. This line exists in the governor's office, with the state legislature, and in the halls of Congress. As is often said throughout NEMA, "no emergency manager ever got their governor elected, but they sure can get them unelected." Despite the need to consider political ramifications of decisions made before, during, and after a disaster, the need to remain open and honest with political leadership will always be a reality in the emergency management community.

You may not be political personally or in your position within the state government, but in working with politicians, it will remain critically important for you to consider certain political considerations. Election cycles, relationships with other political figures (up to and including the White House), and other factors impacting state residents will often be on the mind of executive leaders.

To help facilitate the lines of communication, this chapter will discuss some helpful tips for working with and through your governor's office, the state legislature, and congressional delegations.

### Executive Support

The Executive Office of the Governor includes a team of experts, political appointees, and confidants to the chief executive providing a broad range of opinions and counsel. As the emergency manager, your role is to navigate through them all to help provide the governor the best possible information. Among some of the positions, personnel in key roles will include:

#### Central Staff

The central staff of a governor's office usually consists of key management, communications/outreach, and personal staff such as:

- The chief of staff or a deputy chief of staff
- A communications director or press secretary
- Office of external affairs
- Governor's personal staff

The chief of staff or a deputy chief of staff is likely your conduit into the governor's office. Keep this person abreast of issues and ensure you are the trusted agent for emergency management and homeland security (if part of your portfolio). Especially during a disaster, the communications director, press secretary, or office of external affairs needs to fully understand all emergency operations functions and how your agency functions. Ensure this person is tied closely to any public information officer or like position in your agency. The governor's personal staff is responsible for scheduling the governor and helping to gain access. More important than the details of your agency, maintaining a personal relationship with this person or team might be most important.

### Support Staff

In addition to the central staff, support staff includes those offices under the governor's control that interact more directly with the day-to-day operations of government agencies and departments including:

- General counsel
- Budget director
- Legislative liaison
- Office of the lieutenant governor
- Washington, D.C., office

The general counsel will provide you the knowledge and "top cover" to make decisions specific to the state in terms of what is (or is not) possible. Mandatory evacuations, orders of succession, and determining potential legislative changes to state law will all need to be coordinated with a general counsel. Since budget time comes for most states, you will want to keep the budget director well informed. But for their purposes, keep the big picture view and ensure they are aware of how your agency impacts issues statewide. The governor's legislative liaison will be critical to know in order to understand the legislative strategy of the administration and where emergency management fits into the strategy.

The office of the lieutenant governor is part of the team as well. How you interact with the lieutenant governor will likely depend solely on their relationship with the governor and status within state government.

Many states maintain an office in Washington, D.C., to advocate for state issues, keep the governor's team informed, and aid visits by the governor to the Nation's capital. These organizations are often quite small and staffed by a minimum of

personnel. Interaction with the federal government is discussed later in this chapter and these offices are critical for you to understand.

## Legislative Support

Each state legislature and congressional delegation is unique and requires special attention. In beginning work with your legislative representatives, here are some general tips in working with each of them individually and as a group.

### Know Your Legislators

As a state emergency management director, you meet many people upon taking office. You and your staff will need to build relationships with numerous individuals and organizations at the local, state, and federal level. Two groups that your department should cultivate strong relationships with are your state legislators and your state congressional delegations in Washington, D.C.

Maintaining a positive relationship with each member is the key to achieving your agency's goals throughout the year. Meeting other agencies involved in disaster response amid a major disaster is not an effective method of communication, and the same applies to legislators and their staff. By engaging the offices in Washington and in your own state before the disaster, you create an effective and efficient relationship when it truly counts. You and your staff should be a timely and accurate source of information before, during, and after the disaster. If they don't get the information from you, they will go elsewhere! Here are a few things to keep in mind:

- **There May Be Organizational Differences.** Within each office, the organizational structure you must navigate may look different. Key staff may not have the same titles, and many staffers cover a wide variety of issues. Homeland security and emergency management may just be one issue in their portfolio, so always be mindful of their level of expertise. Be ready to deal with high staff turn-over (especially in Washington offices), and make sure to maintain contact with the offices through periods of transition.
- **Understand Both Personal and Committee Staff.** Senators and representatives are assigned to various committees and maintain both personal and committee staff to handle the various issues on both levels. While the personal staff may cover multiple issues at once, the committee staff will often specialize and be the key contact related to any committee hearings or legislation. It is important to remember their differences, but both personal and committee staff are essential to your work.

- **Not All Delegations Get Along.** When dealing with your delegations, remember that regardless of party affiliation, some members may just not get along. Whether personal or political, members' relationships can be complicated and affect how you do business. Remain cognizant of these issues as you work with various offices. Treating senators or representatives, Republican or Democrat fairly is essential and building relationships with members from all parties and districts should be a top priority.
- **Be Mindful of Election Years.** It can often feel like at any given time, someone is always running for reelection. Understanding the election cycle in your own state and in Washington is critical when dealing with legislators. A member in a tight election race may be constantly on the road campaigning but should still be kept in the loop about emergency management news. Similarly, election pressure can affect members' voting tendencies, penchant for introducing controversial legislation, and decision-making process.

### Keep Them Informed

Information is key for legislators and their staff. While information sharing during a disaster is often forced and done on an ad hoc basis, the best communication strategy is one that involves constant dialogue throughout the year. There are a few key actions that will help gain the trust of legislators and their staff.

- **Allow access to your regular newsletter.** Congressional offices enjoy hearing from their constituents and appreciate state-specific information they can then use to illustrate success of state and federal programs. By putting staff on your distribution lists, you avoid the inevitable requests for information, and you may foster goodwill by being transparent. This may include informational newsletters, EMAC requests, breaking news alerts, as well as information about organizational or staff changes.
- **Exchange social media outputs.** In the age of Twitter, Facebook, Instagram, and YouTube, communication during disasters can be spread across many mediums. While conference calls or face-to-face meetings are the ideal form of information sharing with legislative offices, your offices should share social media usernames to allow for a quick dialogue and monitoring capability.
- **Invite legislators to tour facilities.** Illustrating the work that emergency management and homeland security offices do on the state and local level is critical to the survival of many programs. Without a clear understanding of what you and your staff do daily, it often becomes difficult to stress the importance of continued congressional support and funding. Invite legislators and staff to tour your facilities, meet your staff, or even sit in on an exercise, and their understanding of your office could prove beneficial in the long run.

## During a Disaster

During a disaster, your first thoughts will not always include communication with legislative offices in your state or in Washington, but their first thoughts will include finding you. Depending on the size of your delegations, calls will be flowing into your office requesting various types of information to keep that legislator informed of the current situation. This is a situation in which it is best to identify a plan of action before the disaster.

- By delegating communication with legislators to a staff liaison, you can be sure that accurate and timely information will be delivered.
- Some state emergency management offices choose to schedule conference calls with their entire delegations and allow a question-and-answer period to take place. Small states may be able to speak with delegates individually.

Regardless of how you decide to address these communication issues, it is always best to have this plan mapped out and tested before you ever need to use it.

## NEMA Washington, D.C. Office

Navigating the legislative maze in Washington, D.C., is not easy and depending on the size of your state, it can be very time consuming. As a member of NEMA, you have full access to the NEMA D.C. office where staff is always prepared to assist you. The relationship you have with your congressional delegation is one that must be cultivated by you and your staff, and the NEMA D.C. office can help sustain communication in person when travel is not an option.

The NEMA D.C. office staff consists of a deputy director of NEMA and a policy analyst, who attend congressional hearings, monitor future and current legislation, interact with congressional staff, and assist state directors who are called to testify before congressional committees. NEMA D.C. staff can provide research capabilities on topics affecting your state and can often meet with members of your delegation to discuss pending legislation. If you are called to testify before Congress, the NEMA D.C. staff can help with the content of your testimony, administrative requirements with the committee, and your time on Capitol Hill.

In addition, the NEMA D.C. office publishes the weekly Ready Nation: Policy, an electronic newsletter that provides information on legislation, agency initiatives, and NEMA efforts that are of interest to the states. During the legislative session, NEMA regularly provides a bill tracking chart to all state directors.

In conjunction with the NEMA Mid-Year Emergency Management Policy and Leadership Forum each March in Washington, D.C., NEMA sets aside one full day for state directors to visit with their congressional delegations. This provides an opportunity to update your delegation on state-specific issues as well as to discuss national emergency management priorities for which NEMA provides background information and talking points.

## State Director Action Items: Congressional Relations

- Review the current list of NEMA legislative priorities and familiarize yourself with them. These are updated annually and/or as necessary.
- As you become more comfortable in your new job, schedule meetings or make phone calls to introduce yourself to the rest of your congressional delegation and their staffs. Invite them to your emergency operations center to visit with you or observe an exercise, so that the relationship will already be established, and you can call on them when a disaster occurs.
- If your governor's office has a Washington, D.C., location, reach out and introduce yourself. Determine the lead person on emergency management and homeland security issues. Discuss those issues that Congress and the administration are considering and that are important to you and your state. Talk about how you can work together to address these issues.
- If your governor's office prefers that you don't interface directly with your congressional offices, let the NEMA staff know so that we can cultivate those relationships on behalf of the association.

## B-6. Building Relationships

Honest broker, facilitator, convener, glue, lynchpin, hub...these are all words that have been used in various contexts to describe the function of emergency management. The emergency management agency is not a first responder organization, but it coordinates the activities of the various response disciplines and ensures that they have the resources needed for an effective response. Emergency management also provides linkages between levels of government to create a seamless disaster response during presidentially declared disasters. Without this all-important coordination function, emergency and disaster response could be unorganized and even chaotic, possibly resulting in the unnecessary injury or loss of life to those impacted by the event and first responders themselves.

It is imperative that the state emergency management director identify and reach out to all the entities that have a role to play in disaster prevention, preparedness, mitigation, response and recovery. Such entities may include, but are not limited to:

- State and local elected and appointed officials
- State agency counterparts
- Local emergency management directors/county coordinators
- State emergency management association
- Stakeholder associations
- Volunteer, faith-based, nongovernmental organizations
- Key private sector entities/industry associations

### Ways to Engage Stakeholders

**Keep key decision makers in the loop:** Most elected officials will become involved once a disaster occurs. The director's job is to involve them before disasters occur, thereby enlisting their support on all matters of importance, especially the budget. This can be done in many ways.

- The agency should generate a daily "situation report" (sitrep) that describes the activities of the previous day.
  - Include incidents reported into the state warning point.
  - Sitreps are especially useful if responding or recovering from a disaster.
  - Provide sitreps to key legislators, state officials, including the governor, and/or their chief of staff.
  - Keep the state budget agency abreast of activities and make them a part of the overall response and recovery team.

**Ensure transparency with local emergency management directors:** The relationships between state and local emergency management directors are important and require attention.

- The state director should get to know every local director on a personal basis, share your vision and philosophy with them and ask for their support, while also pledging yours.

- Make sure local directors are informed on and clearly understand the process by which state and federal funds are allocated to them. Provide transparency.
  - Survey local directors on how the state emergency management agency is doing and share the unedited results with them. Note: the person who provides the most negative response can be an honest broker for the state director and tell him/her the truth when no one else will.
  - As appropriate, invite local emergency management directors to attend meetings with the congressional delegation – particularly when the discussion involves their jurisdictions.
- Conduct public officials' conferences in every county or parish:** This is one of the most important activities a state director should be involved in.
- Every public official needs to be brought into a training session to describe their roles and responsibilities during a disaster.
  - Visit each county individually to explain how the state program works to key county officials, and how they can get the support they need during or after a disaster, will enlist their support and generate respect for the program.

**Conduct statewide conferences:** Conducting a conference that focuses on the most prominent hazard in the state, or emergency management in general, is an excellent opportunity to educate, promote, and explore new opportunities within emergency management.

- Invite a diverse audience to attend.
- A successful conference is an excellent marketing tool and should not be overlooked.

**Involve affiliated associations in emergency management:** Gain the support of other groups that provide a direct or indirect emergency management service.

- Pay attention to associations devoted to promoting emergency management within the state, as they should be allied with all the directors' efforts.
- Provide a structure into which they can be used and made to feel they are a part of the team.
- Be inclusive. This strengthens the foundation and creates more opportunities to expand the prominence of the program.
- Communicate regularly with state emergency management association leaders. This will prevent the state from being blindsided on issues at the local level.

**Create private sector/industry partnerships:** Groups like utilities, retail associations, and other industry groups want to participate in emergency management, especially during a recovery period, but may not know how. Such organizations can also provide powerful support to the director's efforts to build and enhance the emergency management program.

All these activities will promote the readiness of the organization, and the director's willingness to keep stakeholders informed. They also build rapport and elevate the agency's stature within the state through consistent contact in which the state director is providing quality and pertinent information.

Emergency management is all about relationships. State directors should recognize they are working in a somewhat unique field that the general public doesn't necessarily understand. Sometimes, the state director's job may be challenging to explain even to family and friends. That's why it is important for state directors to come together to share common experiences, seek and give advice and counsel, and experience the support of others who understand the job and all that goes with it. NEMA provides a network and support system among state emergency management directors and all are invited to be part of it.

**“Through NEMA, you will establish relationships with emergency management professionals throughout the nation who understand and have experienced the same issues and challenges as you and are prepared to assist you in any way possible. Your fellow state directors will become not only your peers, but people you rely on.”**

— David Maxwell, NEMA Past President

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# SECTION C.

## PREPAREDNESS

### C-1. Emergency Management Building Blocks: Planning, Training and Exercise

Preparedness is one of the foundations of emergency management. Preparedness can be described as activities undertaken to prepare for disasters and emergencies and to facilitate future response and recovery efforts. Preparedness includes such activities as writing emergency operations plans and procedures, training, exercises, evacuation planning, ensuring interoperable communications, public education and warning, and encouraging citizen and community preparedness.

#### Planning

The comprehensive state emergency operations plan providing for the mitigation of, response to, and recovery from a disaster, is the guiding document for the emergency management agency. It must be maintained, updated as needed to incorporate lessons learned, and all emergency management personnel must be trained to it. In addition, state elected and appointed officials with roles and responsibilities in the plan must be familiar with it. Emergency operations plans must be exercised and include elected and appointed officials. Many state and local emergency response efforts have failed over the years as a result of not following their own plans. Correctly written plans should be flexible, scalable, and adaptable for most any incident that may occur. Well-trained, professional staff has the ability to adapt plans to a given situation to ensure a successful outcome.

#### Federal Planning Requirements for State Preparedness Plans

The Stafford Act stipulates that any state desiring financial assistance from the federal government must designate or create an agency to plan and administer a disaster preparedness program and will submit a state plan to the president, which shall:



- (1) set forth a comprehensive and detailed state program for preparation against and assistance following emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments; and
- (2) include provisions for appointment and training of appropriate staffs, formulate of necessary regulations and procedures and conduct of required exercises.

## Presidential Policy Directive/PPD-8: National Preparedness

On March 30, 2011, President Barack Obama signed what was then a new Presidential Policy Directive (PPD) on National Preparedness. The directive outlined the president's vision for strengthening the security and resilience of the United States through systematic preparation for threats to the security of the nation, including acts of terrorism, pandemics, significant accidents, and catastrophic natural disasters. The directive replaced Homeland Security Presidential Directive 8 (HSPD-8) (2003) and HSPD-8 Annex I (2007).

### The directive emphasizes three national preparedness principles:

- An all-of-nation approach, aimed at enhancing integration of effort across federal, state, local, tribal, and territorial governments; closer collaboration with the private and non-profit sectors; and more engagement of individuals, families and communities;
- A focus on capabilities, defined by specific and measurable objectives, as the cornerstone of preparedness. This will enable more integrated, flexible, and agile “all-hazards” efforts tailored to the unique circumstances of any given threat, hazard, or actual event; and
- A focus on outcomes and rigorous assessment to measure and track progress in building and sustaining capabilities over time.

### The directive called for the development of an overarching National Preparedness Goal that identifies the core capabilities necessary for preparedness, defined as a spectrum of five broad efforts:

- **Prevention** – those capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism;
- **Protection** – those capabilities necessary to secure the homeland against acts of terrorism and manmade or natural disasters;
- **Mitigation** – those capabilities necessary to reduce loss of life and property by lessening the impact of disasters;
- **Response** – those capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred; and
- **Recovery** – those capabilities necessary to assist communities affected by an incident to recover effectively.

The directive also called for development of a National Preparedness System to guide activities that will enable the nation to achieve the goal; a comprehensive campaign to build and sustain national preparedness; and an annual National Preparedness Report to measure progress in meeting the goal.

## National Preparedness Goal

The National Preparedness Goal (the Goal) is “[a] secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.” The Goal essentially defines what it means for all communities to be prepared collectively for the threats and hazards that pose the greatest risk to the nation. The Goal identifies 32 distinct activities, called core capabilities, needed to address the risks. The Goal organizes these core capabilities into five categories, called mission areas. Some core capabilities apply to more than one mission area. For example, the first three core capabilities—Planning, Public Information and Warning, and Operational Coordination—are cross-cutting capabilities, meaning they apply to each of the five mission areas.

### The National Preparedness Goal describes the five mission areas as follows:

- **Prevention** – Prevent, avoid or stop an imminent, threatened or actual act of terrorism.
- **Protection** – Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations and way of life to thrive.
- **Mitigation** – Reduce the loss of life and property by lessening the impact of future disasters.
- **Response** – Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of an incident.
- **Recovery** – Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by an incident.

The mission areas and core capabilities organize the activities and tasks performed before, during, and after disasters into a framework for achieving the goal of a secure and resilient Nation. Resilience is the desired outcome, defined in the Goal as the “ability to adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies.”

### National Preparedness Goal:

[www.fema.gov/nationalpreparedness-goal](http://www.fema.gov/nationalpreparedness-goal)

## National Preparedness System

The National Preparedness System outlines an organized process for everyone in the whole community to move forward with their preparedness activities and achieve the National Preparedness Goal.

### The National Preparedness System has six parts:

- **Identifying and Assessing Risk.** This part involves collecting historical and recent data on existing, potential and perceived threats and hazards. The results of these risk assessments form the basis for the remaining steps.
- **Estimating Capability Requirements.** Next, you can determine the specific capabilities and activities to best address those risks. Some capabilities may already exist and some may need to be built or improved. FEMA provides a list of core capabilities core capabilities related to protection, prevention, mitigation, response and recovery, the five mission areas of preparedness.
- **Building and Sustaining Capabilities.** This involves figuring out the best way to use limited resources to build capabilities. You can use the risk assessment to prioritize resources to address the highest probability or highest consequence threats.
- **Planning to Deliver Capabilities.** Because preparedness efforts involve and affect the whole community, it's important that you coordinate your plans with other organizations. This includes all parts of the whole community: individuals, businesses, nonprofits, community and faith-based groups, and all levels of government.
- **Validating Capabilities.** Now it's time to see if your activities are working as intended. Participating in exercises, simulations or other activities helps you identify gaps in your plans and capabilities. It also helps you see progress toward meeting preparedness goals.
- **Reviewing and Updating.** It is important to regularly review and update all capabilities, resources and plans. Risks and resources evolve—and so should your preparedness efforts.

### National Preparedness System:

[www.fema.gov/national-preparedness-system](http://www.fema.gov/national-preparedness-system)

## National Planning Frameworks

The National Planning Frameworks, one for each preparedness mission area, describe how the whole community works together to achieve the National Preparedness Goal.

### The National Planning Frameworks include:

- National Prevention Framework
- National Protection Framework
- National Mitigation Framework
- National Response Framework
- National Disaster Recovery Framework

### National Planning Frameworks:

[www.fema.gov/national-planning-frameworks](http://www.fema.gov/national-planning-frameworks)

## Threat Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR)

The THIRA/SPR sets a strategic foundation for putting the National Preparedness System into action.

The THIRA is a three-step risk assessment completed every three years. It helps communities answer the following questions:

- What threats and hazards can affect our community?
- If they occurred, what impacts would those threats and hazards have on our community?

Based on those impacts, what capabilities should our community have? The THIRA helps communities understand their risks and determine the level of capability they need in order to address those risks. The outputs from this process lay the foundation for determining a community's capability gaps during the SPR process.

### THIRA Three Step Process:



The SPR is an annual three-step self-assessment of a community's capability levels based on the capability targets identified in the THIRA. It helps answer the questions:

- What are our current capability levels and how have our capabilities changed over the last year?
- What gaps exist between the capabilities we want to achieve and the capabilities we currently have?
- What do we need to do to close the capability gaps or sustain the capabilities? What impact did different funding sources—including grants—have on building or sustaining the capabilities assessed by the capability targets over the last year?

The SPR supports the National Preparedness System by helping to identify current capabilities and capability gaps in preparedness at the community level. States, territories, tribes, urban areas, and the federal government use the SPR results to prioritize capabilities to build and sustain, plan for threats and hazards, and validate capabilities. Developing an accurate and complete SPR requires the perspectives of a broad range of informed stakeholders and SMEs from a variety of fields. Communities are encouraged to seek input from community stakeholders and SMEs, including local governments (such as

counties and townships), businesses, faith-based organizations, non-profit organizations, lifeline functions (communications, energy, transportation and water), and institutions of higher education.

### SPR Three Step Process:



### “Whole Community” Approach to Emergency Management

A whole community approach to emergency management calls for the involvement of everyone – not just government. It takes all aspects of a community (volunteer, faith and community-based organizations, the private sector, and the public, including survivors themselves) to effectively prepare for, protect against, respond to, recover from, and mitigate against any disaster. It is critical that all of these entities work together to enable communities to develop collective, mutually supporting local capabilities to withstand the potential initial impacts of these events, respond quickly, and recover in a way that sustains or improves the community’s overall well-being. How communities achieve this collective capacity calls for innovative approaches from across the full spectrum of community actors to expand and enhance existing practices, institutions, and organizations that help make local communities successful every day, under normal conditions, and leverage this social infrastructure to help meet community needs when an incident occurs.

Building community resilience in this manner requires emergency managers to do several things. First, they should engage effectively with and holistically plan for the needs of the whole community. Next, they need to align emergency management practices to support local needs. Finally, they should work to strengthen the institutions, assets, and networks that work well in communities on a daily basis. This can be done by greatly expanding the traditional emergency management team to include the full fabric of the community, increasing the capacity of all team members, broadening participation in all aspects of emergency management, and strengthening underlying economic, social, and environmental conditions.

### A “whole community” approach to emergency management encompasses three key concepts:

- Understanding and meeting the true needs of the entire affected community.
- Engaging all aspects of the community (public, private, and civic) in both defining those needs and devising ways to meet them.
- Strengthening the assets, institutions, and social processes that work well in communities on a daily basis to improve resilience and emergency management outcomes.

### The Importance of Flexible Plans

- **Neither the disaster nor the survivors have read your plan, so don’t be surprised when they don’t do what the plan says.**
- **The same goes for elected officials - brief them on the plan before the next disaster.**
- **Plans are worthless. Planning is priceless.**
- **Plans document how your team is organized and functions.**
- **Plans don’t answer all the questions, but planning builds the team that can.**

— Former FEMA Administrator Craig Fugate

### Planning for Integration of Functional Needs Support Services in General Population Shelters

When discussing planning, it is important for the state director to be familiar with the legal requirements that general population shelters must be able to accommodate all people with functional needs. This means that children, seniors and adults with disabilities have the same right to services in general population shelters as other residents. Emergency managers and shelter planners have the responsibility of planning to ensure that sheltering services and facilities are accessible. The decisions made in the planning process determine whether integration or segregation occurs during response.

In November 2010, FEMA published Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters. The guidance is designed to assist in the planning and resourcing of sheltering operations whether government, nongovernmental organization, faith- or private-based to meet the access and functional needs of children and

adults. It is also designed to ensure that individuals are not turned away from general population shelters and inappropriately placed in other environments (e.g., “special needs” shelters, institutions, nursing homes, and hotels and motels disconnected from other support services).

Functional needs support services (FNSS) are defined as services that enable individuals to maintain their independence in a general population shelter. FNSS includes:

- reasonable modification to policies, practices, and procedures
- durable medical equipment (DME)
- consumable medical supplies (CMS)
- personal assistance services (PAS)
- other goods and services as needed

Children and adults requiring FNSS may have physical, sensory, mental health, and cognitive and/or intellectual disabilities affecting their ability to function independently without assistance. Others that may benefit from FNSS include women in late stages of pregnancy, elders, and people needing bariatric equipment.

**FNSS Resources:**

**FNSS Guidance:**

[www.fema.gov/pdf/about/odc/fnss\\_guidance.pdf](http://www.fema.gov/pdf/about/odc/fnss_guidance.pdf)

**DOJ ADA Website:** [www.ada.gov](http://www.ada.gov)

**Chapter 7 of the ADA Tool Kit:**

[www.ada.gov/pcatoolkit/toolkitmain.htm](http://www.ada.gov/pcatoolkit/toolkitmain.htm)

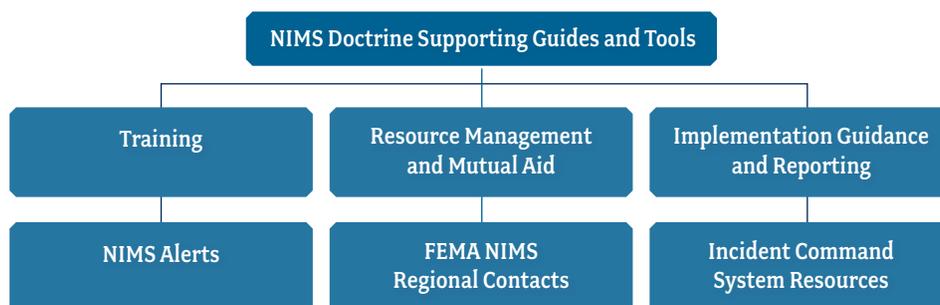
### National Incident Management System

On February 28, 2003, the president issued Homeland Security Presidential Directive 5 (HSPD-5), “Management of Domestic Incidents,” which directed the secretary of the U.S. Department of Homeland Security (DHS) to develop a National Incident Management System (NIMS). The FEMA NIMS guidance document was updated in 2017.

NIMS guides all levels of government, nongovernmental organizations (NGO), and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents. NIMS provides stakeholders across the whole community with the shared vocabulary, systems, and processes to successfully deliver the capabilities described in the National Preparedness System. NIMS is:

- A comprehensive, nationwide, systematic approach to incident management, including the command and coordination of incidents, resource management, and information management
- A set of concepts and principles for all threats, hazards, and events across all mission areas (Prevention, Protection, Mitigation, Response, Recovery)
- Scalable, flexible, and adaptable; used for all incidents, from day-to-day to large-scale
- Standard resource management procedures that enable coordination among different jurisdictions or organizations
- Essential principles for communications and information management

NIMS defines operational systems, including the Incident Command System (ICS), Emergency Operations Center (EOC) structures, and Multiagency Coordination Groups (MAC Groups) that guide how personnel work together during incidents.



**National Incident Management System:** [www.fema.gov/national-incident-management-system](http://www.fema.gov/national-incident-management-system)

## Training

Training provides emergency management personnel with the knowledge, skills and abilities needed to perform specific tasks. It is the responsibility of the state director to ensure that the emergency management agency maintains the ability to identify training needs and deliver or acquire training for staff as well as senior managers.

### EMAC Training

NEMA often provides training and professional development opportunities for state directors and staff in the form of webinars and through workshops that take place in conjunction with national forums. NEMA also provides a robust eLearning program on EMAC. Courses are available for deployed personnel, resource providers, state emergency management agencies, state finance/ administration personnel, National Guard, and state directors.

### National Training Program

The National Training Program (NTP) provides an organized approach to training for emergency managers and emergency response providers. The NTP provides policy, guidance, and tools that address training design, development, delivery, and evaluation, as appropriate.

## FEMA Training Organizations

### National Training and Education Division (NTED)

NTED serves the nation's first responder community, offering more than 150 courses to help build critical skills that responders need to function effectively in mass consequence events. NTED primarily serves state, local, and tribal entities in 10 professional disciplines, but has expanded to serve private sector and citizens in recognition of their significant role in domestic preparedness.

### Center for Domestic Preparedness

The Center for Domestic Preparedness (CDP) develops and delivers advanced training for emergency response providers, emergency managers, and other government officials from state, local, and tribal governments. The CDP offers more than 50 training courses at its resident campus in Anniston, Alabama, focusing on incident management, mass casualty response, and emergency response to a catastrophic natural disaster or terrorist act. Training at the CDP campus is federally funded, and at no cost to state, local, and tribal emergency response professionals or their agency. Responders in 17 different disciplines – Emergency Management, Emergency Medical Services, Fire Service, Governmental Administrative, Hazardous Materials, Healthcare, Law Enforcement, Public Health, Public Safety Communications, Public Works, Agriculture, Education, Citizen/Community Volunteer, Information Technology, Security and Safety, Search and Rescue, and Transportation – train at the CDP.

### Center for Domestic Preparedness:

[www.cdp.dhs.gov](http://www.cdp.dhs.gov)

### Emergency Management Institute

EMI serves as the national focal point for the development and delivery of emergency management training to enhance the capabilities of federal, state, local, and tribal government officials, volunteer organizations, and the public and private sectors to minimize the impact of disasters. A course list and schedule is available on the FEMA website <http://training.fema.gov/EMICourses>. EMI's independent study program is designed for people who have emergency management responsibilities as well as for the general public. All are offered free-of-charge to those who qualify for enrollment.

### Center for Homeland Defense and Security

The Center for Homeland Defense and Security (CHDS) is located at the Naval Postgraduate School in Monterey, CA. Since 2003, CHDS has conducted a wide range of programs focused on assisting current and emerging leaders in Homeland Defense and Security to develop the policies, strategies, programs and organizational elements needed to defeat terrorism and prepare for and respond to natural disasters and public safety threats across the United States. The programs are developed in partnership with and are sponsored by the National Preparedness Directorate at FEMA.

All CHDS programs are focused on leadership development to transform how public safety officials view an increasingly complex world and homeland security mission. Through graduate- and executive-level coursework, seminars, and research, homeland security leaders gain the analytic and critical thinking skills and substantive expertise they need to create innovative solutions that address the threats facing the nation and local communities. The programs also prepare leaders to bridge gaps in intergovernmental, interagency and civil-military cooperation by bringing together a diverse range of participants to share perspectives and lay the foundation for long-term homeland security collaboration.

### Center for Homeland Defense and Security:

[www.chds.us](http://www.chds.us)

### Rural Domestic Preparedness Consortium

The Rural Domestic Preparedness Consortium, led by The Center for Rural Development, is a DHS funded program providing training and resources to rural first responders. RDPC courses are offered both in-person and online and are provided at no cost.

### Rural Domestic Preparedness Consortium:

[www.ruraltraining.org](http://www.ruraltraining.org)

### Professionalization of Emergency Management

Many states have certification programs for either the state or local emergency management staff. Additionally, some states have established specific professional requirements for the state and local emergency management director. Such programs support the professionalization of emergency management and can assist in the development of future leaders.

IAEM has established a Certified Emergency Manager (CEM®) and Associate Emergency Manager (AEM®) Program. The program objective is to raise and maintain professional standards and to certify achievements in the profession. [www.iaem.com/certification/generalinfo/cem.htm#what](http://www.iaem.com/certification/generalinfo/cem.htm#what)

Today, the vast majority of states have colleges, universities or institutions that offer emergency management-related programs from the certificate level to graduate degrees. EMI maintains a list of colleges with emergency management programs on its website at <https://training.fema.gov/hiedu/collelist/>.

### Emergency Management Accreditation Program (EMAP)



NEMA has been an ardent supporter of the EMAP since its beginning. EMAP is based on a White Paper adopted by NEMA in 1998 that

outlined the need for national standards and a strategy for developing such a program. NEMA is proud to be associated with the ongoing professionalization of emergency management through the pursuit of excellence and achievement of national standards.

There are 5 steps to accreditation. To maintain your accreditation you must maintain your compliance and every five years go through the accreditation process again to be reaccredited.

#### Steps to Accreditation

**The Emergency Management Standard** – The *Emergency Management Standard* by EMAP is the set of 64 standards by which programs that apply for EMAP accreditation are evaluated. The Standard is designed as a tool for continuous improvement as part of the voluntary accreditation process for local, state, federal, higher education and tribal emergency management programs.

#### The Emergency Management Standard covers:

- Program Management, Administration and Finance, and Laws and Authorities
- Hazard Identification, Risk Assessment and Consequence Analysis
- Hazard Mitigation
- Prevention
- Operational Planning and Procedures
- Incident Management
- Resource Management, Mutual Aid and Logistics
- Communications and Warning
- Facilities
- Training
- Exercises, Evaluations and Corrective Action
- Emergency Public Education and Information

#### Assessors

Knowledgeable state staff have the opportunity to serve as EMAP assessors. EMAP has established criteria and training that must be met to qualify as an assessor.

#### Eligible EMAP Accreditation Entities

- State and local emergency management agencies
- Federal agencies
- Private Sector Entities
- Institutions of Higher Education
- International Programs

#### EMAP Leadership

The EMAP Leadership is comprised of the EMAP Commission and four standing committees: Program Review Committee, US&R Program Review Committee, Technical Committee, and International Committee.

The EMAP Commission is the governing and decision-making body of the Program. NEMA and IAEM each appoint five members to the Commission.

The EMAP accreditation process is a powerful tool to ensure that emergency management Programs continue to evolve with continued growth and improvement as it provides a method to ensure the maintenance of plans and procedures and

***NEMA is proud to be associated with the ongoing professionalization of emergency management through the pursuit of excellence and achievement of national standards.”***

– Trina Sheets, NEMA Executive Director

administrative support. The continued Program evaluation provides the flexibility in seeing the big picture for strategic development as well as details specific outcomes, such as enhancing the tracking of training capabilities. The standardized process assists in identifying gaps and performance measures in a more formalized way creating an all-encompassing approach to the improvement of Programs. Not to mention the greatest asset to an emergency management Program — the team building of the people who represent the Program in addition to and along with their stakeholders.

**Emergency Management Accreditation Program:**  
[www.emap.org](http://www.emap.org)

## Exercise

Exercises allow emergency management personnel, from first responders to senior officials, to train and practice prevention, protection, response, and recovery capabilities in a realistic but risk-free environment. Exercises are also a valuable tool for assessing and improving performance, while demonstrating community resolve to prepare for major incidents.

The state emergency management agency should regularly include other key state agencies in exercises. Joint exercises provide a valuable opportunity for emergency response personnel to practice plans, test systems, and build relationships across agencies.

### EMAC Exercises

States are strongly encouraged to integrate EMAC into their exercises to ensure that personnel understand how to request, receive, and send mutual aid resources through the compact. NEMA has developed a series of EMAC exercises, and the materials are available at no charge through the EMAC website at [www.emacweb.org](http://www.emacweb.org). Also available are discipline-specific exercises for state and local public health officials, and fire officials, as well as checklists for law enforcement deployments. New EMAC exercise resources are constantly under development.

### National Exercise Program

The National Exercise Program (NEP) is a two-year cycle of exercises across the nation that examine and validate capabilities in all preparedness mission areas. Each NEP cycle is guided by Principals' Strategic Priorities, established by the Principals Committee of the National Security Council and informed by preparedness data from jurisdictions across the nation. FEMA's National Exercise Division administers the NEP on behalf of the federal government, facilitating the design, coordination, conduct, evaluation and analysis of NEP exercises.

### How the NEP Works:

- Sponsors from any level of government (state, local, tribal, territorial or federal), private sector organizations, non-profit organizations, and other community partners can nominate exercises to be part of the NEP.
- Exercises can be discussion-based (seminars, workshops, tabletop exercises, games) or operations-based (drills, functional exercises, full-scale exercises).
- Exercises are selected for the NEP based on their alignment to strategic priorities for each two-year cycle set by the National Security Council.
- Exercises in the NEP contribute evaluation data to the National Preparedness System to provide a clearer picture of the nation's readiness, such as through the National Preparedness Report.
- As a culmination of each NEP cycle, the National Exercise Division leads a biennial National Level Exercise that builds off of exercises and other preparedness activities conducted during the cycle.

### Homeland Security Exercise and Evaluation Program (HSEEP)

HSEEP is a capabilities-and performance-based exercise program administered by FEMA. The intent of HSEEP is to provide common exercise policy and program guidance capable of constituting a national standard for all exercises. HSEEP includes consistent terminology that can be used by all exercise planners, regardless of the nature and composition of their sponsoring agency or organization.

### Radiological Emergency Preparedness (REP)

#### Program Exercises

FEMA established the Radiological Emergency Preparedness (REP) Program to (1) ensure that the health and safety of citizens living around commercial nuclear power plants would be adequately protected in the event of a nuclear power plant accident and (2) inform and educate the public about radiological emergency preparedness. REP Program responsibilities encompass only "offsite" activities, that is, state, tribal and local government emergency planning and preparedness activities, including exercises that follow REP exercise methodology.

REP exercises are now focused on Hostile Action Based (HAB) scenarios. Offsite organizations should demonstrate enhanced security response capabilities based on post-September 11 security initiatives.

## C-2. Interoperable Communications

Interoperability refers to the ability of emergency responders to work seamlessly with other systems or products without any special effort. Wireless communications interoperability specifically refers to the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized. For example, when communications systems are interoperable, police and firefighters responding to a routine incident can talk to each other to coordinate efforts. Communications interoperability also makes it possible for emergency response agencies responding to catastrophic accidents or disasters to work effectively together.

### Public Alert and Warning

#### Integrated Public Alert and Warning System (IPAWS)

Executive Order 13407 established as policy the requirement for the United States to have an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the American people.

FEMA is designated within DHS to implement the policy of the United States for a public alert and warning system as outlined in Executive Order 13407 and has a program office to implement IPAWS.

FEMA built IPAWS to ensure that under all conditions the President of the United States can alert and warn the American people. Federal, state, local, tribal, and territorial authorities also have the opportunity to use IPAWS to send alerts and warnings within their jurisdictions. IPAWS improves alert and warning capabilities by allowing alerting authorities to deliver alerts simultaneously through multiple communications devices reaching as many people as possible to save lives and protect property. These communication pathways include:

- **Emergency Alert System (EAS)** – The message dissemination pathway that sends warnings via broadcast, cable, satellite, and wireline services.
- **Wireless Emergency Alerts (WEA)** – The message dissemination pathway that broadcasts alerts and warnings to cell phones and other mobile devices.
- **National Weather Service Dissemination Systems** – A nationwide network of radio stations including 1,000 transmitters covering all 50 states, adjacent coastal waters, Puerto Rico, the U.S. Virgin Islands, and the U.S. Pacific Territories.
- **Internet Services** – The IPAWS All Hazards Feed, also known as the Public Feed, allows for services, applications, and devices to monitor and retrieve alerts and warnings over an internet connection.

- **State/Local Unique Alerting Systems** – Includes software systems developed or purchased by state and local governments, often used in combination with other IPAWS components.

Roles and responsibilities for authorizing and sending alerts and warnings varies by jurisdiction and by state. The effective use of alert and warning systems requires regular training at the state and local level as well as testing processes through exercises. Past events have demonstrated that lack of training or confidence with processes and system can lead to user error which can cause unnecessary public panic.

In 2019, NEMA hosted a wildfire alert and notification workshop with select western states to discuss challenges and opportunities to improve outcomes in the future. The following recommendations were made by participants that are applicable to all states and all hazards, not just wildfires.

#### Recommendations for effective alert and warning:

- Understand and codify roles, responsibilities and authorities within each jurisdiction.
- Require alert and warning plans for states and locals.
- Look beyond government to maximize messaging.
- Be inclusive in planning and strategy development.
- Maximize evolving and future technologies.
- Integrate systems across all platforms.

#### First Responder Network (FirstNet)

The Middle Class Tax Relief and Job Creation Act of 2012 (Act) created the First Responder Network Authority. The law gives the First Responder Network Authority the mission to ensure the building, deployment, operation, and maintenance of the first high-speed, nationwide wireless broadband network dedicated to public safety. The FirstNet network provides a single, interoperable platform for emergency and daily public safety communications.

The First Responder Network Authority is an independent authority within the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA).

The First Responder Network Authority is governed by a 15-member Board composed of representatives from public safety; local, state and federal government; and the wireless industry. NEMA is a member of the Public Safety Advisory Committee (PSAC).

In March 2017, the First Responder Network Authority announced the selection of AT&T as its private sector network

partner. After forming its partnership with AT&T, the First Authority issued a customized, digital State Plan outlining how the FirstNet network would be deployed to the governor of each U.S. state and territory. At the conclusion of the 90-day decision period, every U.S. governor opted to go with the FirstNet plan.

**FirstNet:** [www.firstnet.gov](http://www.firstnet.gov)

## C-3. National Preparedness Grant Programs

Emergency management and homeland security are shared responsibilities between levels of government, the private sector and the public. The federal government provides billions of dollars each year to state and local governments to build and maintain capabilities for all-hazards emergency preparedness. The primary source of funding is DHS/FEMA, which administers national emergency preparedness grants to provide critical assistance in preparedness planning, equipment acquisition, training, exercises, management and administration.

This section provides a brief description of the grant programs most applicable to state and local governments. A complete listing and description of all the grant programs available through DHS/FEMA is available at [www.fema.gov/grants](http://www.fema.gov/grants).

### State Administering Agency

DHS and FEMA ask every governor to designate a single point of contact in the state to administer federal emergency preparedness grant programs. This designation is called the State Administering Agency (SAA). In more than half the states, the emergency management director fills this role. In those states where the emergency management director is not the SAA, they are eligible to submit the application for the Emergency Management Performance Grant (EMPG) and serve as administrator for that particular program. This is important, as it allows the emergency management agency to have responsibility and oversight for the primary source of federal funding that supports state and local programs. Since the SAA designation is made by the governor to DHS, it can also be changed at the request of the governor.

### Homeland Security Grant Program

The Homeland Security Grant Program (HSGP) suite consists of five subprograms: State Homeland Security Program (SHSP), Urban Areas Security Initiative (UASI), and Operation Stonegarden (OPSG). These grants are fully funded by the federal government and don't require a state or local cost share match.

**State Homeland Security Program (SHSP)** – provides funds to build capabilities at the state and local levels and to implement the goals and objectives included in state homeland

security strategies and initiatives in their State Preparedness Reports. States are required to ensure that at least 25 percent of SHSP-appropriated funds are dedicated toward law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities, including those activities that support the development and operation of fusion centers. Funds are allocated based on two factors: minimum amounts as legislatively mandated and DHS's risk methodology.

**Urban Areas Security Initiative (UASI)** – focuses on enhancing regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response, and recovery. Funds are allocated based on DHS' risk methodology and effectiveness.

**Operation Stonegarden (OPSG)** – enhances cooperation and coordination among local, state and federal law enforcement agencies in a joint mission to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada as well as states and territories with international water borders. Funds are allocated competitively to designated localities within U.S. Border States based on risk to the security of the border.

**Emergency Management Performance Grant Program (EMPG)** – The EMPG program provides federal funds to states to assist state, local, tribal and territorial (SLTT) governments in preparing for all hazards. Title VI of the Stafford Act authorizes FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the federal government, states, and their political subdivisions. The federal government, through the EMPG Program, provides necessary direction, coordination, guidance, and necessary assistance, as authorized in this title, to support a comprehensive all hazards emergency preparedness system. The EMPG Program will provide federal funds to assist SLTT emergency management agencies to obtain the resources required to support the National Preparedness Goal’s associated mission areas and core capabilities. EMPG is the only preparedness grant that requires a match which is 50 percent.

It’s imperative that state emergency management agencies be able to demonstrate to Congress and others the capabilities built and maintained at the state and local level through EMPG. NEMA, in partnership with IAEM, produces the EMPG Annual Return on Investment Report which is shared with Congress, FEMA, the Office of Management and Budget (OMB) and others that make decisions on federal grant funding. The report can be found on the NEMA website at [www.nemaweb.org](http://www.nemaweb.org).

**Tribal Homeland Security Grant Program (THSGP)** – The THSGP provides funds to directly eligible tribes to support their efforts to build, sustain, and deliver core capabilities and strengthen their capacity to prevent, prepare for, protect against, and respond to acts of terrorism. The THSGP plays an important role in the implementation of the National Preparedness System to achieve the National Preparedness Goal of a secure and resilient Nation.

**Nonprofit Security Grant Program (NSGP)** – The NSGP provides funding support for hardening and other physical security enhancements to nonprofit organizations that are at high risk of terrorist attack. The program seeks to integrate the preparedness activities of nonprofit organizations that are at high risk of terrorist attack with broader SLTT preparedness efforts. The NSGP also promotes coordination and collaboration in emergency preparedness activities among public and private community representatives as well as SLTT government agencies.

**Transit Security Grant Program (TSGP)** – The TSGP provides funds to support transportation infrastructure security activities. The TSGP provides funds to eligible publicly owned operators of public transportation (which includes intra-city

bus, commuter bus, ferries, and all forms of passenger rail) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, and to increase the resilience of transit infrastructure.

**Intercity Bus Security Grant Program (IBSGP)** – The IBSGP provides funds to owners and operators of intercity bus systems located within the UASI eligible urban areas to protect critical surface transportation infrastructure and the traveling public from acts of terrorism and to increase the resilience of transit infrastructure.

**Intercity Passenger Rail (IPR) Program** – Amtrak The IPR program provides funds to the National Passenger Railroad Corporation (Amtrak) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism and to increase the resilience of the Amtrak rail system.

**Port Security Grant Program (PSGP)** – The PSGP provides funds for transportation infrastructure security activities to implement Area Maritime Transportation Security Plans (AMSPs) and facility security plans among port authorities, facility operators, and SLTT government agencies required to provide port security services. The PSGP competitively awards grant funding to support increased port-wide risk management; enhance domain awareness; conduct training and exercises; expand port recovery and resiliency capabilities; and further capabilities to prevent, detect, respond to, and recover from attacks involving improvised explosive devices and other non-conventional weapons.

### **State Homeland Security Grant Allocation to Local Jurisdictions**

States rely on a variety of factors in determining how federal homeland security-related grant funds are allocated to local jurisdictions. Some states designate a portion of grant funds by requiring competitive investment justifications from local jurisdictions. Many states consider population in their allocation decision, and others base the decision partially on risk and vulnerability assessments. Other approaches include providing a base amount for jurisdictions and meeting performance standards or specific program requirements.

NEMA collects state data on grant allocation methodologies through its biennial survey initiative. The information is available to state emergency management directors.

## C-4. Encouraging Individual and Community Preparedness

Educating the public about the importance of disaster and emergency preparedness is one of the most fundamental responsibilities of government, yet it's also one of the most challenging. Often individuals and businesses fail to prepare themselves for the risks that face their communities. They mistakenly believe that disasters won't happen to them or that government will be able to quickly get them back on their feet when disaster does strike. The fact is that government will need to focus on saving and sustaining lives and helping the most vulnerable citizens during disaster response. Most people will need to be self-reliant in the immediate aftermath and possibly for more than 72 hours following a disaster.

EMPG grant funding is used most often by state emergency management agencies to conduct preparedness outreach and campaigns. Through NEMA, states are able to share preparedness campaigns, materials, metrics and model practices. NEMA's Public Information Officers (PIO) Subcommittee offers a great opportunity for state PIOs to establish a network to share information, lessons and best practices for individual and community preparedness.

### Ready Campaign



The FEMA website provides one-stop-shopping for information on emergency preparedness for individuals, businesses and children.

A simple three-step plan is outlined on the site with resource materials for the public.

1. **Get a Kit** – recommended items to include in a basic emergency preparedness kit
2. **Make a Plan** – tools to help develop a family emergency plan
3. **Be Informed** – information for individuals regarding risks that face their communities and emergency plans that have been developed for their area by state and local government

Publications, including brochures, manuals, checklists, plan templates, handouts and more, are available to download and order.

**Ready Campaign:** [www.ready.gov](http://www.ready.gov)

### You are the Help Until Help Arrives

According to a National Academies of Science study, trauma is the leading cause of death for Americans under age 46. Life-threatening injuries require immediate attention to prevent the injured person from dying. Those nearest the injured may have the greatest chance to react and save a life.

Materials from the You are the Help Until Help Arrives program are available from the FEMA web-site including web-based training, instructor guides and course content, and fact sheets.

#### You are the Help Until Help Arrives:

[www.community.fema.gov/until-help-arrives](http://www.community.fema.gov/until-help-arrives)



### Great ShakeOut

More states than ever before are now vulnerable to earthquakes. Many of them participate in the annual Great ShakeOut earthquake drill which normally occurs on October 17; however, a state can schedule the drill to be held at any time.

The exercise provides an opportunity for schools, business, non-profits and other organizations, individuals and families, to practice earthquake preparedness actions. Over 7 million people participated in the last Great ShakeOut drill.

**Great ShakeOut:** [www.shakeout.org](http://www.shakeout.org)

# SECTION D.

## MITIGATION

### D-1. Overview of Mitigation

Mitigation, or any effort taken to reduce loss of life and property by lessening impact of disasters, is a sound financial investment. The National Institute of Building Sciences found that the United States (US) saves \$6 for every \$1 spent funding federal mitigation grants.<sup>i</sup>

	National Benefit-Cost Ratio Per Peril <small>*BCR numbers in this study have been rounded</small>	Federally Funded	Beyond Code Requirements
	<b>Overall Hazard Benefit-Cost Ratio</b>	<b>6:1</b>	<b>4:1</b>
 <b>Riverine Flood</b>		7:1	5:1
 <b>Hurricane Surge</b>		Too few grants	7:1
 <b>Wind</b>		5:1	5:1
 <b>Earthquake</b>		3:1	4:1
 <b>Wildland-Urban Interface Fire</b>		3:1	4:1

Figure 1; Natural Hazard Mitigation Saves: 2017 Interim Report, National Institute of Building Sciences

The FEMA 2018-2022 Strategic Plan includes a commitment to mitigation and resiliency. FEMA intends to fulfill this commitment through a combination of programs which aim to build a culture of preparedness through insurance, mitigation, preparedness, continuity, and grant programs.<sup>ii</sup>

The National Mitigation Framework states that mitigation is the “thread that permeates the fabric of national preparedness” and by reducing impacts of disasters, the Mitigation phase of Emergency Management “supports Protection and Prevention activities, eases Response, and speeds Recovery to create better prepared and more resilient communities.” The ultimate goal of mitigation is to create a resilient community, which is achieved through “avoiding, reducing, and transferring risks to reduce long-term vulnerability.”<sup>iii</sup>

## Definitions

- **Hazard Mitigation:** any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event.
- **Risk:** potential for damage, loss, or other impacts created by the interaction of natural hazards with community assets.
- **Vulnerability:** any characteristic of community assets that makes them susceptible to damage from a given hazard.<sup>iv</sup>
- **Risk assessment:** product or process that collects information and assigns values to risks for the purpose of informing priorities, developing or comparing courses of action, and informing decision-making.
- **Cost-effectiveness:** determined by a systematic quantitative method for comparing the costs of alternative means of achieving the same stream of benefits for a given objective. The benefits in the context of hazard mitigation are avoided future damage and losses. Cost-effectiveness is determined by performing a BCA.
- **Benefit-Cost Analysis (BCA):** quantitative procedure that assesses the cost-effectiveness of a hazard mitigation measure by taking a long-term view of avoided damage as compared to the cost of a project.<sup>v</sup>

- **Climate adaptation:** adjustment or preparation of natural or human systems to a new or changing environment which mitigates harm or exploits beneficial opportunities.<sup>vi</sup>

- **Resilience:** the ability to adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies.

An effective mitigation program begins with the planning process, which includes conducting a risk assessment and then translating that data and information into prioritized goals and actions. Every jurisdiction should have an approved hazard mitigation plan to reduce risk and vulnerability, to guide decision making, and to maintain eligibility for mitigation grant opportunities.<sup>vii</sup>

Mitigation efforts should be an integral and routine part of organizational function. The program elements are likely to include:

- Risk Assessment
- Hazard Mitigation Planning
- Hazard Mitigation Grants



Figure 2; NEMA SHMO Subcommittee, 2019

**Mitigation measures or initiatives may include:**

- Community-wide risk reduction projects;
- Efforts to improve resilience of critical infrastructure and key resource lifelines;
- Reduction of vulnerabilities from natural hazards, climate change, or acts of terrorism; and
- Initiatives that reduce future risks after a disaster has occurred.<sup>viii</sup>

According to the National Mitigation Framework, “Hazard Mitigation Plans form the foundation for a community’s long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage. The planning process to develop these plans is as important as the plan itself. The process promotes risk-based decision making to reduce damage to lives, property, and the economy from future disasters.”

According to the National Oceanic and Atmospheric Administration (NOAA), the U.S. is experiencing an increase in the number of incidents which cause significant amounts of damage. Since 1980, the US has sustained 238 natural disasters where overall damages reached or exceeded \$1 billion. From 1980 to 2016, the annual average number of billion-dollar events was 5.8; whereas the average between 2013 and 2017 was 11.6. NOAA states this is due to an “increase in population and material wealth over the last several decades” and that these “trends are further complicated by the fact that many population centers and infrastructure exist in vulnerable areas like coasts and river floodplains, while building codes are often insufficient in reducing damage from extreme events.”<sup>ix</sup>

## D-2. National Mitigation Framework

Mitigation can be effectively implemented by using the Framework as a common platform. It focuses on utilizing a whole community approach to achieving the National Preparedness Goal of “a secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from threats and hazards that pose the greatest risk.” To achieve the National Preparedness Goal, the Framework established seven core capabilities that incorporate individuals, families, businesses, faith-based and non-profit organizations, and all levels of government, including tribes and territories. This whole community approach demonstrates that the entire community can contribute to and benefit from achieving the National Preparedness Goal. Participation by all entities is necessary to build a culture of preparedness and a community that is prepared for a disaster with the ability to recover as quickly as possible.

The core capabilities are threats and hazards identification, risk and disaster resilience assessment, planning, community resilience, public information and warning, long-term vulnerability reduction, and operational coordination.



Figure 3; National Mitigation Framework, FEMA, 2018

***A risk-conscious culture is founded on the shared understanding that future disasters will occur and that every person has a responsibility to prepare for and respond appropriately to these risks.***

### **Threats and Hazards Identification**

Identify the threats and hazards that occur in the geographic area; determine the frequency and magnitude; and incorporate this into analyses and planning processes to clearly understand the needs of a community or entity. Local data should drive the threats and hazards identification process and inform the subsequent state, tribal, and federal processes. A bottom-up approach ensures that the mitigation strategies developed are tailored to the on-the-ground hazards these strategies will mitigate.

### **Risk and Disaster Resilience Assessment**

Assess risk and disaster resilience so that decision makers, responders, and community members can take informed action to reduce their entity's risk and increase their resilience. The risk assessment should be an inclusive process to ensure that all entities across the community are provided the opportunity to be educated about their vulnerability and understand the role they play in fostering a risk-conscious culture. As previously discussed in this chapter, the risk assessment serves as the foundation for state, tribal, or territorial mitigation programs. The risk assessment provides the opportunity to holistically evaluate the community and inform the whole community about risk and vulnerability.

### **Planning**

Conduct a systematic process engaging the whole community as appropriate in the development of executable strategic, operational, and/or tactical-level approaches to meet defined objectives. Through planning, utilize the data obtained through the threats and hazards identification and risk and disaster resilience assessment to craft mitigation strategies. This should be completed by comprehensively evaluating the impacts to the whole community and the capabilities each entity of the community may have to implement the mitigation strategy. Planning presents the opportunity to build consensus across sectors in defining how the community will become resilient.

### **Community Resilience**

Enable the recognition, understanding, communication of, and planning for risk; and empower individuals and communities to make informed risk management decisions necessary to adapt to, withstand, and quickly recover from future incidents. This capability is focused on the capabilities of a community's sectors (e.g., economic, health and social services, housing, infrastructure, and natural and cultural resources) and the ability of these sectors to rapidly recover from a disaster. Communities accomplish this through leadership, collaboration, partnerships, education, and skills building. Effective coordination is dependent upon fully-utilizing resources and subject matter experts to benefit the whole community.

### **Public Information and Warning**

Deliver coordinated, prompt, reliable, and actionable information to the whole community. Use clear, consistent, accessible, and culturally- and linguistically-appropriate methods to effectively relay information regarding any threat or hazard and, as appropriate, the actions being taken, and the assistance being made available. Methods of communication should be diverse in order to be received by the whole community. Additionally, all entities should share and obtain information from the private citizen through senior elected leadership. Civic engagement is vitally important as it serves as the mechanism to prepare individuals, so during a disaster they can recover rapidly and accelerate the recovery ability of the whole community.

### **Long-Term Vulnerability Reduction**

The combined outputs of the previous core capabilities lead to long-term vulnerability reduction. "Reducing long-term vulnerabilities, combined with continuity of operations and recovery planning before a disaster, increase resiliency and the likelihood that communities and organizations can perform essential functions and deliver core capabilities after an event. The result is a safer community that is less reliant on external resources, such as financial assistance."<sup>x</sup>

### **Operational Coordination**

Establish and maintain a unified and coordinated operational structure and process that appropriately integrates all critical stakeholders and supports the execution of core capabilities. This capability serves as the foundation for ensuring the execution of the previous six capabilities. Cross-sector integration and collaboration fosters the ability to ensure a whole community approach can be pursued when implementing mitigation.

Just as all threats and hazards have secondary impacts and cannot be treated as standalone risks, mitigating these risks cannot be done in a silo. "Regardless of whether mitigation occurs at the individual, community, regional, or national level, each entity coordinates with mitigation partners vertically and horizontally to identify, clarify, and prioritize risks."<sup>xi</sup> The Framework provides a sound foundation for states, tribes, and territories across the nation to form a basis for how to build and implement an effective mitigation program.

## D-3. Program Structure and Organization

Each state has a State Hazard Mitigation Plan and can promote mitigation and resilience through various legislation such as building codes. States also coordinate federal programs at the state level, such as planning, floodplain management, and grants management. Most states also have a Silver Jackets team, which is an inter-agency workgroup focused on bringing together state and federal agencies for flood risk reduction and management.

**The State Hazard Mitigation Officer (SHMO)** is a key position in each state that is responsible for the development and implementation of the state hazard mitigation program. The SHMO is usually the section chief or unit leader for the mitigation section, bureau, or unit in the state emergency management agency. The SHMO is the primary liaison with the federal government for FEMA's Hazard Mitigation Assistance grants and planning programs. The SHMO and staff, if applicable, are directly responsible for developing complex hazard mitigation plans and projects for state, tribal, territorial, and local government.

The overall program requires public outreach, training, and direct technical assistance to local governments; advising the state emergency management director (or other leadership) on mitigation activities; coordination with stakeholders at multiple levels of government to facilitate complex discussions; and planning and participating in workshops, conferences, and exercises. Some of the duties of the SHMO are to:

- Develop statewide plans and programs for hazard mitigation;
- Implement state and federal mitigation programs through various agencies;
- Coordinate and administer the distribution of federal mitigation grant funds;
- Develop requirements and standards for mitigation programs;
- Oversee or coordinate mitigation planning and programming by local, tribal, and territorial governments, as requested;
- Provide technical assistance and funding to state agencies, local governments, tribes, and territories;
- Exercise approval authority over certain local government mitigation planning and implementation programs;
- Coordinate with federal agencies and applicants to complete processing of project and funding applications;
- Process state and certain federal environmental permitting actions;
- Provide mitigation training and public information; and
- Integrate mitigation into other emergency preparedness and related programs.

NEMA hosts a SHMO Subcommittee of the Mitigation Committee. Any SHMO may join the Subcommittee. The purpose of the group is serving as a technical resource to the NEMA Mitigation Committee as it considers mitigation issues, making suggestions and recommendations to the committee for improvements to national mitigation programs, serving as a forum for states to share information and best practices, and encouraging networking among SHMOs in order to expand and enhance their knowledge and skills. The Subcommittee meets in conjunction with NEMA national forums and provides reports to the Mitigation Committee. SHMO Subcommittee members also hold conference calls and communicate through social networking sites as needed.

**The State Floodplain Manager** is responsible for coordinating National Flood Insurance Program (NFIP) activities within their state and jurisdictions and acting as a liaison with the federal government on NFIP-related programs. The state floodplain management position is typically in a department or agency of natural resources, water resources, or environmental protection. Some reside in the state emergency management agency. The many activities and programs that contribute to floodplain management—emergency preparedness and response, natural resources protection, environmental quality, structural control measures, planning, economic development, etc.—along with the wide variety of local and regional efforts, makes the floodplain management picture of each state unique. Some of the duties of the state floodplain manager are to:

- Provide technical assistance to local governments;
- Monitor local floodplain management programs;
- Educate and training of local officials and other professionals;
- Promote the No Adverse Impact concept;
- Administer grant programs;
- Map flood hazards or conducting engineering activities or support;
- Provide technical assistance to property owners;
- Assist with enforcement of local and state floodplain management ordinances; and
- Promote the sale of flood insurance.

The Association of State Floodplain Managers (ASFPM), as well as state floodplain management associations, support the work of floodplain managers and mitigation staff. These play an important role in education, information dissemination, and credentialing. They also provide a venue to develop professional connections and foster innovative ideas and collaborations. The State Floodplain Manager and the SHMO must work closely together to achieve common objectives identified in the state hazard mitigation plan.

### Program Organization

Staffing a state, tribal, or territory mitigation program often will not be fully encompassed by the emergency management agency and the size and structure will vary depending on the size and population of the state, tribe, or territory and the risk profile of the jurisdiction. The chart below shows a typical organization of a state, tribal, or territorial hazard mitigation program.

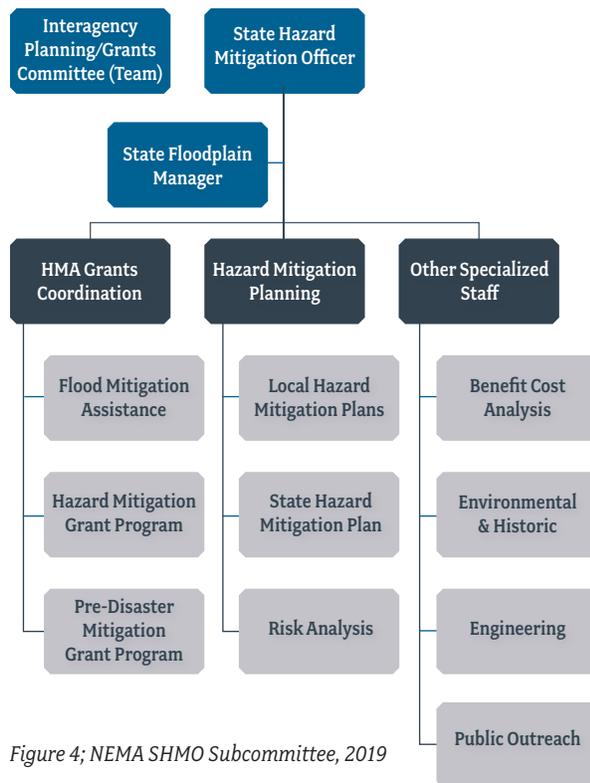


Figure 4; NEMA SHMO Subcommittee, 2019

### Other Roles

Other levels of government also have roles within a state mitigation program. Utilizing partnerships among federal, state, tribal, local, private, and/or non-profit sectors will provide the greatest opportunity to maximize the effectiveness of mitigation actions. Below are examples of roles that these sectors may contribute to a state mitigation program.

The federal government participates in mitigation by maintaining the National Mitigation Framework and various mitigation programs and grant opportunities. Other responsibilities are to:

- Sponsor programs for mitigation through various agencies;
- Provide funding and technical assistance;
- Provide training and public information regarding mitigation;
- Exercise approval authority for certain state and local mitigation programs; and
- Undertake federal environmental permitting actions.

Most local hazard mitigation plans are multi-jurisdictional at the county level. This is where most mitigation measures occur because they maintain the visibility necessary to identify strategic mitigation actions thereby reducing risks in their communities. Other responsibilities are to:

- Enforce local development and construction via codes, ordinances, and land use requirements;
- Control community development and reconstruction efforts by the public and private sectors;
- Implement state and federally sponsored mitigation programs;
- Develop local mitigation and redevelopment plans and requirements;
- Implement local mitigation programs and projects; and
- Provide public information and education.

Tribal or territorial government roles often include many items listed under state and local governments. Each tribe or territory will have a unique combination of roles determined by cultural norms, size, governance structure, and capacity. Common responsibilities are to:

- Develop information and understanding regarding tribal- or territorial-specific hazards;
- Assess vulnerabilities of facilities and operations;
- Sponsor mitigation program through various agencies and departments;
- Provide funding, including administration of grant funding, and technical assistance to government and property owners;
- Provide mitigation training and outreach;
- Permit environmental actions;
- Map flood hazards or conduct engineering activities or support; and
- Enforce authority for development and construction via codes, ordinances, and land use requirements.

The private sector (Business, Industry, and Institutions) can implement mitigation through following local codes, ordinances, and land use requirements. Other responsibilities are to:

- Assess vulnerabilities of facilities and operations;
- Develop and implement risk-management plans;
- Insure property for physical or operational loss;
- Plan for the restoration or replacement of operational capability; and
- Provide information for government emergency planning.

The non-profit sector can assist all levels of government with their roles, particularly those involving the public. For example, Non-Profit Sector capacities can:

- Assess vulnerabilities of adversely-affected communities;
- Help communities develop and implement risk management and mitigation plans;
- Build community support and consensus to develop and undertake mitigation projects; and
- Secure donations to assist with nonfederal match requirement for mitigation projects.

### Elements of Mitigation

There are three main elements of a mitigation program: risk assessment, mitigation planning, and mitigation grants. Each is discussed below.

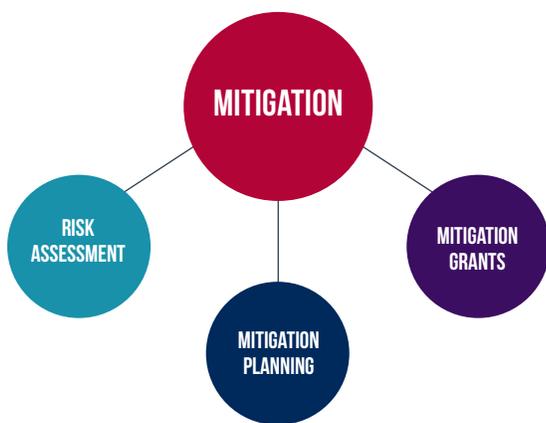


Figure 5; NEMA SHMO Subcommittee, 2019

### Risk Assessment

The state, tribal, or local government conducts a risk assessment to determine the potential impacts of hazards to the people, economy, and built and natural environments of a community. The risk assessment provides the foundation for the rest of the mitigation planning process, which focuses on identifying and prioritizing actions that can be taken to reduce risk to hazards.

Risk, for the purpose of hazard mitigation planning, is the potential for damage, loss, or other impacts created by the interaction of natural hazards with community assets. For purposes of mitigation risk assessments, hazards typically include natural processes, such as tornadoes and earthquakes. The exposure of people, property, and other community assets to natural hazards can result in disasters depending on the impacts. Impacts are the consequences or effects of the hazard on the community and its assets. The type and severity of impacts depend on the extent of the hazard and the vulnerability of the asset, as well as the community's capabilities to mitigate, prepare for, respond to, and recover from events.

An effective risk assessment informs proposed actions by focusing attention and resources on the greatest risks. The four basic components of a risk assessment are:

- 1) Hazard identification;
- 2) Profiling of hazard events;
- 3) Inventory of assets; and
- 4) Estimation of potential human and economic losses based on the exposure and vulnerability of people, buildings, and infrastructure.

For multi-jurisdictional planning efforts, the risk assessment must result in an evaluation of potential impacts and overall vulnerability that each participating jurisdiction uses in developing develop specific mitigation actions. Assets, vulnerabilities, and overall risk are unique to each community and must be addressed in a multi-jurisdictional plan. Although hazards may encompass the entire planning area, the plan explains unique or varied hazards within a community.

Although not required by FEMA, the plan should also include an analysis of technological hazards and human-caused threats. A Threat and Hazard Identification and Risk Assessment (THIRA) expands on the existing Hazard Identification and Risk Assessment (HIRA) of a local mitigation plan; provides a comprehensive approach for assessing risks and associated impacts with all types of threat or hazard; and identifies a methodology for assessing a broader range of capabilities for prevention, protection, response and recovery, and mitigation. A THIRA incorporates technological and human-caused threats in addition to natural hazards. Similar to the risk assessment process, a THIRA describes the types of risk and gives them

context, such as probability and likelihood. The process for conducting a THIRA results in a set of capability targets for all stages of emergency management, including prevention, protection, mitigation, response, and recovery. The THIRA can build upon the mitigation plan risk assessment, also known as HIRA, or represent a standalone effort.<sup>xii</sup>

A combination of methods for analyzing risk and expressing impacts both qualitatively and quantitatively, depending on the hazard and the available time, data, staff, and technical resources may be used. For instance, analyzing flood risk could include the following:

- A description of the types of impacts that affected community assets because of previous flood events, including Public Assistance (PA) costs and insured and uninsured losses;
- Identification of the number and value of community assets located in flood hazard areas and any specific vulnerability due to physical characteristics or socioeconomic uses;
- Estimates of the physical, economic, and social impacts of a one-percent annual chance flood event based on a HAZUS-MH model; and
- A description of future development that may be at risk to flooding based on current zoning maps.

A risk index or matrix can include the results of these analyses. The purpose of a risk index is comparing hazards and rank which pose the greatest risk. Each hazard is given a rank based on probability, magnitude, impacts, and other characteristics of risk. A risk index can be a helpful way to compare multiple hazards, but it is not a complete risk assessment.

The quantity of information produced as part of a risk assessment varies depending on the size of communities, number of participating jurisdictions, number of hazards, available data, technical expertise, and other factors. While the process for conducting the risk assessment needs to be described as part of the planning process, the main body of the plan document may not include some data inputs and outputs. The risk assessment shall include:<sup>xiii</sup>

- A description of the type, location, and extent of all natural hazards that can affect the jurisdiction;
- Information on previous occurrences of hazard events and on the probability of future hazard events;
- An overall summary of each hazard and its impact on the community; and
- Analysis of the risks or impacts of hazards to communities, and summary of the results and overall vulnerability of communities.

## Mitigation Planning

The mitigation planning process, and resulting hazard mitigation plan, includes hazard identification and risk assessment leading to the development of a comprehensive mitigation strategy for reducing risks to life and property. The mitigation strategy section of the plan identifies a range of specific mitigation actions and projects being considered to reduce risks to new and existing buildings and infrastructure.

State, tribal, territorial, and local governments engage in hazard mitigation planning to identify risks and vulnerabilities associated with natural disasters and develop long-term strategies for protecting people and property from future hazard events. Mitigation plans are key to breaking the cycle of disaster damage, reconstruction, and repeated damage.

Developing hazard mitigation plans enables state, tribal, territorial, and local governments to:

- Increase education and awareness around threats, hazards, and vulnerabilities;
- Build partnerships for risk reduction involving all sectors;
- Identify long-term strategies for risk reduction that align with other community objectives;
- Identify implementation approaches that focus resources on the greatest risks and vulnerabilities; and
- Communicate priorities for potential sources of funding.

Moreover, a FEMA-approved local hazard mitigation plan is a condition for receiving certain types of funding, such as hazard mitigation grants and PA permanent work project funding. Ultimately, hazard mitigation planning enables action to reduce loss of life and property, lessening the impact of disasters.

**1. Organize the Planning Process and Resources.** Form a planning team that includes not only emergency management, but also the sectors of economic development, land use and development, housing, health and social services, infrastructure, and natural and cultural resources in their planning process and mitigation program. This includes securing technical expertise, defining the planning area, and identifying key individuals, agencies, neighboring jurisdictions, businesses, and other stakeholders to participate in the process. The planning process must include opportunities for the public to comment on the plan.

**2. Assess Risk.** Identify the characteristics and potential consequences of hazards, and how future risk and vulnerability affect changing future conditions, development patterns, and population demographics. Risk assessors should understand what geographic areas each hazard might impact, and which people, property, or other assets might be vulnerable.

**3. Develop a Mitigation Strategy.** Set priorities and develop long-term strategies for avoiding or minimizing the undesired effects of disasters. The mitigation strategy addresses the implementation and administration of mitigation actions. Elements of a mitigation strategy should include potential funding sources, individuals or agencies responsible for implementation, a timeline for implementation, and the priority given to particular actions.

**4. Adopt and Implement the Plan.** Once FEMA receives the adoption from the governing body and approves the plan, the state, tribe, or local government can bring the mitigation plan to life in a variety of ways, ranging from implementing specific mitigation projects to changing aspects of day-to-day organizational operations. To ensure success, the plan must remain a relevant through routine maintenance. The state, tribe, or local government needs to conduct periodic evaluations to assess changing risks and priorities and make revisions as needed.

### Types of Mitigation Plans

Local mitigation plans identify the natural hazards that may affect a one or several local jurisdictions, such as a town, city, or county. Plans assess risks and vulnerabilities, identify actions to reduce losses from those hazards identified, and establish a coordinated process to implement the plan using a wide range of public and private investments. These requirements are in 44 CFR, Part 201.6. FEMA's *Local Mitigation Planning Handbook* and *Local Mitigation Plan Review Guide* offers other guidance as well.<sup>xiv</sup>

Standard State Mitigation Plans are a stakeholder-driven document that a state, tribal, or local government uses to describe risks and vulnerabilities as well as long-term strategies and implementation approaches for reducing loss of life and property from natural disasters.<sup>xv</sup> These requirements are found in 44 CFR, Part 201.4. FEMA's *State Mitigation Plan Review Guide* and *State Mitigation Planning Topics Key Bulletins* offers other guidance.

Enhanced State Mitigation Plans include all the elements of the Standard State Mitigation Plan but also demonstrates that the state develops a comprehensive mitigation program and manages increased funding to achieve its mitigation goals. Additionally, the plan integrates, to the extent practicable, with other state and/or regional planning initiatives and FEMA mitigation programs and initiatives. The incentive for a state to maintain an Enhanced State Mitigation Plan is the increase in HMGP funding from 15 to 20 percent. These requirements are found in 44 CFR, Part 201.5 with additional guidance in FEMA's *State Mitigation Plan Review Guide*.<sup>xv</sup>

While in content, tribal mitigation plans are the same as state or enhanced state mitigation plans, an approved plan is not required for individual and PA emergency work. To qualify for PA permanent work for a presidentially declared disaster without a FEMA-approved mitigation plan, the tribal government then has 30 days from the date of the declaration to submit an approved mitigation plan.<sup>xxvii</sup> These requirements are found in 44 CFR, Part 201.7 with other guidance in the *Tribal Mitigation Review Guide*.

### Mitigation Grants

The federal government provides mitigation funding opportunities through several grant programs, primarily authorized through the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or Stafford Act, and National Flood Insurance Program.

#### Hazard Mitigation Grant Program (HMGP)<sup>xxviii</sup>



Figure 6; FEMA graphic, 2019

This post-disaster program provides grants to state, local, tribal, and territorial governments and private non-profits to implement long-term, cost-effective mitigation measures after a major disaster declaration or Fire Management Assistance Grant. The purpose of HMGP is reducing the loss of life and property due to natural disasters and enabling the implementation of mitigation measures during the recovery phase after a disaster. The program is authorized under Section 404 of the Stafford Act.

The amount of funding available for HMGP under a disaster declaration is limited to 15 percent of the total disaster assistance funds awarded by FEMA for that disaster. A FEMA-approved Enhanced Hazard Mitigation Plan makes states, tribes, or territories eligible for assistance of up to 20 percent of the total FEMA disaster assistance funds as established under the Disaster Mitigation Act of 2000 (Public Law 106—390).

FEMA can fund up to 75 percent of the eligible costs of each mitigation project. The recipient and/or sub-recipient must provide a 25 percent match, which can include a combination of cash and in-kind sources. Funding from other federal sources, or used as match for other federal sources, cannot be used for the match, with one exception: funding provided under the Community Development Block Grant (CDBG) program from the U.S. Department of Housing and Urban Development (HUD). Additionally, the CDBG Disaster Recovery program (CDBG-D) allows Congress to appropriate additional funding to specific areas within a Presidentially declared disaster. Slightly different regulations govern the uses of CDBG and CDBG-DR funds, but both may provide the funds to match for HMGP and other FEMA grant programs listed in this section.

### Hazard Mitigation Grant Program – Post-Fire (HMGP-PF)

A Fire Management Assistance Grant (FMAG) is a FEMA grant program specifically used as reimbursement for fire suppression activities, prepositioning activities, emergency services due to a fire, and temporary repair of damaged facilities caused by fire suppression. Eligible applicants include state agencies, tribes, and local governments. The Disaster Recovery Reform Act (DRRA) of 2018 (Public Law 115—254) codified a pilot program specifically for post-fire assistance to provide for long-term mitigation of burn scar areas and acreage downstream that could be impacted. Eligible subgrantees are state agencies, tribes, local governments, and non-profits.

Funding is available through the state to the FMAG declared county. Tribes receiving an FMAG declaration receive funding directly. The funding is for wildfire mitigation in the impacted county. However, a mitigation project may be outside of the declared county or tribal lands, as long as risk reduction benefits the declared county or tribe. The state can provide funding to any eligible applicant for any natural hazard mitigation activity in cases of communities impacted by the FMAG not fully utilizing available funding. The funding available for HMGP-PF is \$425,008 per FMAG for states with Standard Mitigation Plans and \$566,667 per FMAG for states with Enhanced Mitigation Plans.

### PA Mitigation

The authorization for mitigation under FEMA's PA program comes from Section 406(e), Repair, Restoration, and Replacement of Damaged Facilities, of the Stafford Act. Guidelines for implementation come from Title 44 Code of Federal Regulations (CFR) §206.226, Restoration of damaged facilities.

Section 406 provides discretionary authority to fund mitigation measures in conjunction with the repair of disaster-damaged public facilities. These opportunities usually present themselves during the repair efforts. Mitigation measures must be relevant to eligible disaster-related damages and directly reduce the potential of similar future disaster damages to the eligible facility. Mitigation measures must also be cost-effective. There are three ways to prove cost-effectiveness in the PA program:

- Any mitigation measure which adds 15 percent or less to the total project cost;
- Any mitigation measure listed in Appendix J of FEMA's Public Assistance Program and Policy Guide (PAPPG) and adds 100 percent or less to the total project cost; or
- Any mitigation measure that scores 1.0 or higher on a benefit-cost analysis (BCA) using FEMA's BCA software.

States should utilize this funding source for any eligible mitigation to damaged public facilities because not only is there no cap on PA funding for a federal disaster declaration, but higher expenditures in the PA program also increase the amount of Section 404 HMGP funding for which an applicant is eligible.

Mitigation projects may also be eligible under Section 428 Alternative Procedures, of the Stafford Act. Alternative Procedures authorized under this law pertains to repair, restoration, and replacement of disaster-damaged public and private nonprofit facilities (permanent work). This law allows FEMA to make awards for large permanent work projects on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost-effective completion of work if the recipient or subrecipient agrees to be responsible for actual costs that exceed the estimate.

If the actual cost of the work is less than the fixed cost estimate, the subrecipient may use the excess funds for PA Program-related purposes. An eligible use of this funding is hazard mitigation activities that will reduce the risk of damage in future disasters. This funding may be used on facilities not damaged in the declared disaster; however, the mitigation must be applied to facilities that would otherwise be eligible for PA Program funding. These mitigation measures must also be cost-effective.<sup>xvii</sup>

### Pre-Disaster Mitigation (PDM)



Figure 7; FEMA graphic, 2019

The PDM program provides funds to state, local, tribal, and territorial governments for mitigation planning and the implementation of long-term, cost-effective mitigation projects prior to a disaster event.

Funding these plans and projects reduces overall risks to the population and structures while also reducing reliance on funding from disaster declarations. The existing PDM program allows FEMA to fund up to 75 percent of the eligible costs of each mitigation project. That amount increases to 90 percent federal funding for small, impoverished communities. The recipient and/or sub-recipient must provide the remaining amount as match, which can be fashioned from a combination of cash and in-kind sources. Funding from other federal sources, or used as match for other federal sources, cannot be used for the required match, except for funding provided under HUD's CDBG and CDBG-DR programs.

The passage of the DRRA in 2018 amended Section 302 of the Stafford Act to fundamentally changes PDM, particularly the funding mechanism, and creates the national Public Infrastructure Predisaster Hazard Mitigation program.

FEMA expects the conversion of this program to be complete in FY2020. The program will secure up to six percent of Disaster Relief Fund annual expenses for Stafford Act grants under sections 403, 406, 407, 408, 410, 416, and 428. This program will focus on funding public infrastructure projects that increase community resilience before a disaster occurs. Previously, funding for pre-disaster mitigation grants relied on congressional appropriations which varied from year to year. The new construct gives the potential for \$300 million to \$1 billion being available each year for predisaster mitigation. The new mechanism will also reduce the impact by Congressional authorizations and the annual appropriations cycle.

### Flood Mitigation Assistance (FMA)



Figure 8; FEMA graphic, 2019

The National Flood Insurance Reform Act (NFIRA) of 1994 (42 U.S.C. 4101) created the FMA program with the goal of reducing or eliminating claims under the National Flood Insurance Program (NFIP).

FEMA provides FMA funds to assist state, local, tribal, and territorial governments for flood mitigation planning and the implementation of long-term, cost-effective flood mitigation projects prior to a disaster event that reduce or eliminate the risk of flood damage to buildings, manufactured homes, and other structures insured under the NFIP.

Mitigation funding under FMA is dependent on congressional authorization and appropriation levels. FEMA manages a competitive process for awarding of funds. Under this process, FEMA provides ranking points for all eligible planning and project sub-applications based on predetermined, objective, and quantitative factors to calculate a final national ranking score for each sub-application.

FEMA can fund up to 75 percent of the eligible costs of each mitigation project. That amount increases to 90 percent federal funding for Repetitive Loss properties and 100 percent for Severe Repetitive Loss properties. The recipient and/or sub-recipient must provide any remaining amount as match, which can include a combination of cash and in-kind sources. Funding from other federal sources, or used as match for other federal sources, cannot be used for the required match, except for funding provided under HUD's CDBG and CDBG-DR programs.

A Repetitive Loss (RL) property is a structure covered by a contract for flood insurance made available under the NFIP that:

- a. has incurred flood-related damage on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and
- b. at the time of the second incidence of flood-related damage, the contract for flood insurance contains Increased Cost of Compliance coverage.

A Severe Repetitive Loss (SRL) property is a structure covered by a contract for flood insurance made available under the NFIP that has incurred flood-related damage:

- a. for which four or more separate claims payments (includes building and contents) have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims' payments exceeding \$20,000; or
- b. for which at least two separate claims payments (includes only building) have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Currently there is a grant opportunity called Advanced Assistance under the HMGP, PDM, and FMA programs. This option provides limited grants to communities that have mitigation ideas or projects in mind but need more information to complete an eligible application. Examples include scoping a project to identify options for long-term mitigation solutions, gathering information to run a required benefit-cost analysis, or conducting a hydraulics and hydrology study to ensure a flooding project will have no detrimental downstream impacts. The intent of Advance Assistance grants is that the sub-applicant will apply for the project later in the same or in a future grant cycle.<sup>xviii</sup>

Several other federal agencies provide mitigation funding opportunities that complement or add to the grant funding provided by FEMA. Following is a list of agencies and programs available:

Federal Agency	Assistance Programs
US Department of Agriculture/Farm Services Agency	Conservation Reserve Program
US Department of Agriculture/ Natural Resources Conservation Service	Emergency Watershed Protection Program Wetlands Reserve Program
US Department of Agriculture/Rural Development	Single Family Housing Repair Loans & Grants Electric Infrastructure Loan & Loan Guarantee Program Water & Waste Disposal Loan & Grant Program Community Facilities Direct Loan & Grant Program Economic Impact Initiative Grants Multi-Family Housing Direct Loans
US Department of Commerce/ Economic Development Administration	Disaster Supplemental Funding Economic Adjustment Assistance Project Grants
US Department of Commerce/ National Oceanic and Atmospheric Administration	National Coastal Zone Management Program
US Department of Defense/US Army Corps of Engineers	Emergency Streambank and Shoreline Stabilization Program Silver Jackets/Flood Risk Management Program Aquatic Ecosystem Restoration Program
US Department of Housing and Urban Development	Capital Fund Program Community Development Block Grant Program
US Department of the Interior/Bureau of Indian Affairs	Housing Improvement Program
US Department of the Interior/Bureau of Land Management	Land and Water Conservation Fund Land Purchases and Acquisitions
US Department of the Interior/Fish and Wildlife Service	North American Wetlands Conservation Act Grants Program Partners for Fish and Wildlife Program Real property acquisition activities under several programs
US Department of the Interior/National Park Service	Federal Lands to Parks Program
US Small Business Administration	Disaster Assistance Program

Figure 9; NEMA SHMO Subcommittee, 2019

Respective websites of the agencies mentioned above provide further information detailing these federal programs.

## State, Tribal, Territorial, and Local Funding for Hazard Mitigation Initiatives

Each state, tribe, territory, and local government has a unique set of mitigation concerns and may employ a suite of integrated programs to address them. Several federal programs provide funding for supporting mitigation initiatives. However, federal funding is not always available and, when it is, it will not address all mitigation needs of a community. State directors should promote the establishment and utilization of state, tribal, territorial, and local mitigation funding programs to meet those needs. State funding, such as Capital Outlay or severance bonds, will allow maximization of available federal dollars and may enable states to bring in more overall grants.

By promoting mitigation actions in routine state programs, significant progress may be realized in achieving state-wide mitigation capacity and capability. Commitment of non-federal funding to such programs is a symbol of leadership and indicates a willingness to commit one's own resources to building more disaster-resilient and sustainable communities.

### *Examples of effective state and municipal mitigation programs include the following:*

- Many states use taxpayer funds to pay half or all the required match toward the HMGP and/or PDM and FMA programs.
- The Flood Mitigation Program in Pennsylvania uses funds from an unconventional gas well fee to issue grants up to \$500,000 with a 15 percent required match to municipalities, businesses, and other organizations to mitigate flood risk.
- Wisconsin's Department of Natural Resources administers the Municipal Flood Control program under which municipalities apply for funds to implement flood mitigation projects and fund 50 percent of the cost. This funding can also match federal mitigation grants.
- The Massachusetts Municipal Vulnerability Preparedness program offers grants for climate change adaptation and resilience projects and plans, including mitigation activities. There is a 25 percent required match and the funds can match federal mitigation grants.
- Florida imposes a small fee on every homeowner and renter insurance policy which funds the Florida Catastrophe Fund. Available annually, \$10 million funds four mitigation programs including the Hurricane Loss Mitigation Program, which requires no local match.
- The District of Columbia created a Mayor's Task Force on the Prevention of Flooding. The Task Force collaborated with D.C. Water on several programs providing engineering, flood-proofing, rebates for backflow valves, and green infrastructure projects to reduce the amount of rainwater destined for the storm sewer.
- The City of Findlay, Ohio, implemented a quarter percent sales tax for ten years to fund a mitigation project on the Blanchard River, which runs through downtown Findlay. The project involved increasing the river's capacity and other areas of floodwater storage.

## D-4. Promoting Effective Mitigation

It is important to promote mitigation to gain support and encourage all stakeholders to commit to effective and comprehensive mitigation programs. FEMA cites relevant case studies and state and local best practices on their Best Practices Portfolio website. In addition, the “Case Studies” portion of the website provides in-depth, analytical information about innovative projects throughout the United States, addressing a variety of hazards. States should document local mitigation success stories and work with NEMA and FEMA to share this information with their colleagues and communities around the country.<sup>xix</sup>

Mitigation Ideas: *A Resource for Reducing Risk to Natural Hazards*, developed by FEMA, provides a range of mitigation actions communities can take to reduce the risk to a wide variety of natural hazards. Actions are categorized by the hazard they address, including those that address multiple hazards. Within each hazard, the mitigation actions are grouped by type: local planning and regulations, structure and infrastructure projects, natural systems protection, and education and awareness programs. This tool is a great starting point for communities engaged in mitigation planning or pursuing long-term risk reduction.<sup>xx</sup>

The National Institute of Building Sciences published *Natural Hazard Mitigation Saves: 2017 Interim Report* as an update of a study initially conducted in 2005. With an average of \$6 saved for every \$1 spent on mitigation through FEMA’s Hazard Mitigation Assistance programs, there is no doubt that it is a smart investment. This publication proves the value of mitigation and can be used to help local officials make sound financial decisions.

**Mitigation represents a societal investment, not a cost.**

i. “What Is Mitigation?” FEMA.gov; *Natural Hazard Mitigation Saves: 2017 Interim Report*, National Institute of Building Sciences.

ii. “FEMA Strategic Plan.” FEMA.gov; “Resilience.” FEMA.gov

iii. “National Mitigation Framework.” FEMA.gov

iv. “Local Mitigation Handbook.” FEMA.gov

v. “Definitions.” National Flood Insurance Program | FEMA.gov

vi. “Glossary of Climate Change Terms.” EPA.

vii. “National Preparedness Goal.” FEMA.gov

viii. “Resilience Job Aid.” FEMA.gov

viii. “National Mitigation Framework.” FEMA.gov

ix. “Billion-Dollar Weather and Climate Disasters: Overview.” NOAA.gov

x. “National Mitigation Framework.” FEMA.gov.

xi. “National Mitigation Framework.” FEMA.gov.

xii. “Threat and Hazard Identification and Risk Assessment Guide.” FEMA.gov

xiii. Title 44 Code of Federal Regulations, Part 201.6.

xiv. “Local Mitigation Handbook.” FEMA.gov.

xv. “State Mitigation Plan Review Guide (Revised March 2015).” FEMA.gov

xvi. “Tribal Mitigation Plan Review Guide.” FEMA.gov

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# SECTION E.

## RESPONSE

### E-1. Managing Emergency Response Operations: Points to Remember

The following points are utilized by NEMA in New State Director Training:

#### A. The Rules

1. Meet the needs of the disaster survivors
2. Take care of your responders
3. See Rule One

#### B. Standing Orders

1. Establish communications with areas impacted
2. Search and rescue/security
3. Meet basic human needs
  - Medical
  - Water
  - Food
  - Shelter
  - Emergency fuel
4. Restore critical infrastructure
5. Open schools/local businesses
6. Begin the recovery

#### C. Your Governor

- Does your governor know your first name?
- Has your governor been to the state emergency management operations center?
- Does your governor participate in exercises that you attend?
- Does your governor see you as the “go to” person for disasters? If not, why?

#### D. Keys to Building an Effective State Response to Disasters

##### *Leadership*

- Does the governor set the example for all of state government by participating in training and exercises? Is emergency management a priority of the executive branch?

##### *Legal Authorities*

- Do state statutes provide the legal basis for the executive branch to act, order evacuations, declare emergencies, and expend state funds?

##### *Reserve Funds*

- Does the state budgeting process provide sufficient reserve funds to allow the executive branch to begin the response to support local governments without a federal disaster declaration?

##### *State Team*

- Do state agencies work as one team in a disaster, or as individual agencies? Are volunteer groups, state associations, and the private sector part of the team?

##### *Mutual Aid*

- Can the executive branch mobilize and deploy non-impacted local resources to the area of impact? Has the executive branch been briefed on how to utilize EMAC?

## **E. Command Observations**

- Get into the field early and see the impacts for yourself.
- Give direction and then get out of the way of your team.
- Solve problems; don't create them.
- Surround yourself with problem solvers, not problem creators.
- Don't settle for why something cannot be done.
- Failure is not an option.

## **Common Mistakes Most Emergency Managers Make and How to Avoid Them**

Through a combination of field experience and research, the following set of guidelines has been established as a reminder of the common mistakes in managing operations.

### **1. Lack of a viable disaster plan.**

Suggestion: Do the homework in planning. Planning provides the very foundation and blueprint for all emergency response.

### **2. No knowledge of disaster resources.**

Suggestion: Know the resources. Be aware of all the resources that are available with specialized capabilities and limitations noted. Improper use and designation of resources ranks high as a major complication in disaster operations.

### **3. Lack of visible leadership.**

Suggestion: Ensure that somebody runs the show. The larger and more complicated a disaster becomes, the fewer the individuals who want to step forward and assume the role. Establish the position ahead of time during the planning process and provide visible leadership.

### **4. Bad decisions make the situation worse.**

Suggestion: Don't make it worse. While this is simple, logical, true and obvious, it is hard to grasp its full significance. Think about the decisions, get a good grip on the situation, don't let people take foolish chances and DON'T MAKE IT WORSE!

### **5. Trying to obtain too much information, while not establishing a control on the information flow.**

Suggestion: Capture control of the information flow. Reliable filters must be established to provide some isolation from all the information clamoring for attention. Establish a set pattern for information flow and monitor frequently. Checking for information reliability and follow-up is essential. Equally important is the formulation of an efficient plan to pass information to the outside world. People outside the affected area need an overview of what is going on.

### **6. Focusing on the insignificant.**

Suggestion: Prioritize the problems; don't be drawn into trivia. Put some problems in "boxes" early and determine their

categories. Keep the focus on important things and refuse to deal with anything else at the same time.

### **7. Unknown EOC staff.**

Suggestion: Know the emergency staff before the disaster occurs. Be prepared to deal with facts of human nature and don't let them bog down the system. Test the people through a competent exercise program and know their capabilities.

### **8. Physical fatigue and burnout.**

Suggestion: Insist that everyone get adequate rest and relief. At what point do staff people become counterproductive? Make sure everyone gets rest; otherwise, they won't. The crisis will usually last longer than anyone estimates, so this rule is important to remember. Start almost immediately to assign enforced rest and relief periods with adequate shift changes. This also includes any executive level management.

### **9. Information void.**

Suggestion: Let everyone know what's happening. Bring the key players and organizations together often to disseminate information and exchange views. Make sure everyone is briefed on a regular basis.

### **10. Be flexible.**

Suggestion: Maintain the ability to have options. In many cases there won't be enough information for a comfortable decision. In the face of uncertainty, remember to select the option that leaves the greatest freedom for subsequent actions.

### **11. Litigation may follow.**

Suggestion: Document and maintain records. Conflicts of interest, differences of opinion and misunderstandings are inevitable. Keep a good audit trail of reports, conditions, and decisions to facilitate any defense, should it be necessary. From the outset, establish a systematic effort to gather and store data to assist you in the future.

### **12. Avoid "unknowns."**

Suggestion: Know the territory. Learn about the resources and geographic locations specific to the territory. If there are gaps in the communications system, its best they are found before a major situation develops. Locations that are particularly hazardous or present operational difficulty should be identified and studied.

### **13. Negative dealings with the media.**

Suggestion: Deal with the media in a positive way. Establish a professional relationship with the media before the disaster hits. Establish fair and uniform rules — never get into an adversary position. Establish good access to the public information officer (PIO). Don't let the media put words in your mouth; and be their conscience, if necessary.

#### **14. Inability to keep “people statistics.”**

Suggestion: Assign someone to specifically keep track of missing and known dead. During the first 48 hours of the onset of a disaster, there will be an acute need for accurate lists of survivors, their location and condition.

#### **15. Not remembering who we work for.**

Suggestion: Provide for survivor needs – they will have an overwhelming need for reassurance that they are alive.

#### **16. Post-disaster let down.**

Suggestion: Provide for debriefing sessions. As the situation begins to subside, expect some delayed stress reaction from all the people who have been deeply involved. Arrange for a debriefing or, in some cases, consultation with a counselor.

#### **17. Doing a “mediocre” job.**

Suggestion: Have the courage and conviction to do what needs to be done.

### **Practical Approaches to Minimizing Liability**

- Use trained decision-makers during emergency or disaster situations.
- Make informed decisions with objective assessment of risks and benefits, collect the relevant facts, and apply the appropriate standards.
- Take the time you have to make decisions. Even if the time is tight, take every minute of it. Make no snap judgments except in situations demanding immediate decisions.
- Tap the experts for advice.
- Build a record. Keep a log (documentation). Make sure paperwork is preserved that documents decisions.
- Educate on legal matters. Read the statutes and regulations governing responsibilities in emergency management.
- Make sure there is access to an attorney. Ask the attorney if legal immunity applies, at least for the decisions and actions made in good faith within the scope of your expertise and official responsibilities.
- Where the law does not provide immunity for decisions, find ways to minimize the risks of legal liability.
- Do not let unreasonable fear of legal liability paralyze you and your staff. The law creates constraints in order to protect all of us from negligence and intentional wrongdoing, not to prevent doing what needs to be done.

- In general, emergency management officials should take some comfort in the fact that lawsuits over alleged flaws in disaster response have almost always been dismissed.

In many jurisdictions, statutes provide comprehensive protection. Where statutes do not provide blanket immunity, a given aspect of response is still likely to be immune from suit, either as a “governmental function” or as a “discretionary act.”

The courts have generally recognized that allowing lawsuits to challenge planning and executive level decision-making could paralyze emergency managers. Considerable protection is provided to reasonable and well-intentioned actions. Courts are reluctant to second-guess the judgment of individuals making life-and-death decisions under emergency conditions in the face of uncertainty, personal risk and lack of time. This reluctance generally translates into a finding that the act was discretionary or a governmental function, protected from liability. However, flagrant or obvious deviations from good practice or standard procedure can still result in liability.

NEMA has established a Legal Counsel Committee that is comprised of all state legal counsels who are interested in participating. These may be individuals who are assigned full time to a state emergency management agency or those in an attorney general’s office who have emergency management as one of several state agencies in their portfolio. The NEMA Legal Counsel Committee provides an invaluable resource for state legal counsels to network with their peers across the nation to share information on emergency management legal issues, seek advice when needed based on the experience of other states, and take advantage of training opportunities provided through the committee. The FEMA Office of General Counsel (OGC) interacts regularly with the NEMA Legal Counsel Committee and utilizes the group as a resource and sounding board on issues impacting the states. The committee holds periodic conference calls to discuss current and emerging legal issues and meets in conjunction with NEMA national forums.

## E-2. Overview of Local, State, and Federal Response to Disasters

The term “response” refers to those actions necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. Response also includes the execution of emergency operations plans and actions to support short-term recovery.

The proper role for the state emergency management director is to take an overall strategic perspective. The actual implementing and directing of the overall strategy is a tactical concern and is the responsibility of the emergency operations center (EOC) staff. It is important not to get caught up in the tactical details of the event and lose strategic perspective and effective management.

Citizens expect their government to protect, assist, and inform them when a disaster threatens or occurs.

### A. Local Government:

#### Emergency / Disaster General Sequence Checklist

- Disaster occurs or threatens.
- Inform the governor.
- Activate the emergency operations plan (complete or portions) and EOC.
- Assess the need for immediate life saving measures, i.e., evacuation, shelter in place, etc.
- Initiate damage assessment, as necessary.
- Establish liaison with affected jurisdictions.
- Receive briefing from local agencies on the situation and initial response activities.
- Issue disaster/emergency proclamations by local officials and governor.
- Request assistance from relief organizations.
- Deploy state resources.
- Issue assurances to the public.
- Activate mutual aid agreements as applicable.
- Evaluate the need for federal assistance and the consequences.
- Identify specific needs and types of assistance that cannot be furnished by local and state resources.
- Prepare to make future commitments when requesting outside assistance.
- Request federal disaster assistance and declaration through the office of the governor.

Local government is the primary “first provider” of emergency response services. If the disaster requires significant actions for the protection of lives and property, local government activates its EOC and emergency operations plan and coordinates the

response with public and private organizations and agencies to alleviate or eliminate problems that occur. The local office of emergency management will notify the state emergency management agency of the situation by submitting situation reports (SITREPS).

If local government capabilities to meet the need for emergency response are likely to be exceeded:

- The local government may call upon the assistance of any or all local governments and organizations that are signatory to mutual aid compacts.
- Any response agreements with state agencies may be executed.
- Local elected official(s) may also make a local proclamation of emergency to authorize use of local resources, to authorize the expenditure of local funds, and to waive the usual bidding process for goods and services.
- The local elected official(s) may make a request to the state emergency management agency for state assistance.

### B. State:

On notification of disaster response from local government, the state emergency management agency:

- Monitors the situation.
- Reviews and evaluates the local situation reports, local response efforts and requests for assistance.
- If necessary, activates the state EOC to coordinate available state assistance.
- Determines if the situation is beyond the capability of the state and if federal assistance is needed to alleviate or eliminate the immediate threat to life and property.

If warranted, the governor proclaims a state of emergency that activates the state emergency operations plan, provides for the

use of state assistance or resources, and begins the process for possible provision of federal assistance or resources. In some states the lieutenant governor has the authority to declare a state of emergency, and in others it's the state emergency management director. It's important to know who has the authority in the state, what the criteria are for declaring an emergency, and that the information is noted in the state emergency operations plan. It is also important to know whether the governor has explicit authority codified in law to direct and compel emergency evacuations.

After the immediate threat has passed, the comprehensive damage assessment process begins.

## State Response Actions

### 1. Determine whether the situation warrants a partial or full activation of the EOC

#### 2. Activation, staffing of EOC

- Plan for shift changes.

#### 3. Situation assessment

- Which jurisdictions are currently involved? Potential for others to be impacted? When?
- Status of emergency responders and resources: What has or is being committed? Types and locations of backup resources, personnel, inventories. Availability?
- What emergency conditions exist? Imminent danger situations? What life support responses are needed?

#### 4. Identify tasks and demands

- What is being done?
- What needs to be done? Now? Within next 12, 24, 48, 72 hours, etc.?
- Additional warning needed?
- Evacuation?

#### 5. Implement damage assessment

#### 6. Identify who needs to be notified and briefed. Which key official(s)?

#### 7. Activate emergency public information procedures

#### 8. Initiate assessment, documentation, and legal procedures for declaring state of emergency

- Is federal assistance needed? What kind of assistance?
- Does situation warrant requesting a presidential disaster declaration? Is an emergency declaration, expedited or major declaration needed?

#### 9. Important issue: timing of the governor's emergency declaration

- A timely declaration acknowledges the severity of the situation and ensures that assistance will be prompt.

#### 10. Activate EMAC if interstate mutual aid resources are needed

- EMAC should be activated as soon as possible as it will take time for resources to arrive on-scene. Bring in A-Teams early.

#### 11. Remember to:

- Keep a log.
- Document everything.
- Use standard operating procedures (SOPs).
- Act quickly to address special population needs.
- Monitor resources that are deployed.
- Ensure proper demobilization and return of resources.
- Keep the boss informed.
- Keep the media informed.
- Keep the general public informed.

## The Role of the State Emergency Operations Center

States maintain a state-level EOC configured to expand, as necessary, to manage events requiring state-level assistance. The state EOC is the central location from which off-scene activities supported by the state are coordinated. The key function of state EOC personnel is to ensure that those who are located at the scene have the resources (i.e., personnel, tools, and equipment) they need for the response. EOCs help form a common operating picture of the incident, relieve on-scene command of the burden of external coordination and secure additional resources. The core functions of an EOC include coordination, communication, resource allocation and tracking and information collection, analysis and dissemination.

EOCs should be flexible and scalable. They will generally perform common functions during an incident; however, not all the system's functions will be performed during every incident, and functions may not occur in any particular order. Primary functions may include the following:

- Situation assessment
- Incident priority determination
- Critical resource acquisition and allocation
- Policy direction for relevant incident management and interagency activities
- Coordination with FEMA regional response coordination centers (RRCs)

- Coordination with the FEMA national response coordination center (NRCCs)
- Coordination with elected and appointed officials
- Coordination of summary information
- Public information

The physical size, staffing and equipping of an EOC will depend on the size of the jurisdiction, resources available and anticipated incident management workload. EOCs may be organized and staffed in a variety of ways. FEMA provides technical assistance services to aid state, regional, territorial, tribal, and local jurisdictions in activities related to planning, building, and equipping an EOC. Workshops and briefings are held to discuss hazard and vulnerability assessments, EOC capability assessments, site selection, building design, room design, communications, information management, developing standard operating procedures (SOPs), training, and validation. When building a new EOC or planning a major retrofit, it is common for emergency management directors or staff to visit other state EOCs to gather ideas that may be implemented back home. State directors will go out of their way to accommodate requests from peers to visit their EOCs.

EOCs commonly have a governor's conference room where the governor may receive situational assessments from the state emergency management director, monitor the response, and make decisions requiring the governor's authority. The governor may also choose to conduct press briefings from the state EOC. State directors should take every opportunity to familiarize the governor with the EOC and encourage him or her to visit during exercises and activations. During extended response operations, when stress and fatigue have set in, your EOC staff will appreciate a visit and a few words from the governor acknowledging their efforts.

The private sector also has a critical role to play in disaster response and recovery operations. Many states now have a private sector liaison co-located in the state EOC to help coordinate information between the public sector and businesses to acquire comprehensive situational awareness. Some states have established a "business EOC." A business EOC, which can also be virtual, provides a mechanism for the state to pre-identify critical private sector partners and vendors who can assist with the reestablishment of services that are necessary to sustain life and commerce following a critical incident and integrate them into disaster response and recovery plans and activities. In turn, businesses that are involved in the business EOC have access to information that can help get them back online sooner following a disaster. This allows employees to get back to work, commodities and supplies from the private sector to be available for disaster survivors so the state can focus limited resources elsewhere, and communities to recover more quickly when commerce is taking place.

## Types of Federal Assistance Available during Response Operations

**Emergency Declaration:** An emergency declaration can be declared for any occasion or instance when the president determines federal assistance is needed. Emergency declarations supplement state and local efforts in providing emergency services, such as the protection of lives, property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The total amount of assistance provided for a single emergency may not exceed \$5 million. If this amount is exceeded, the president must notify Congress.

**Pre-Disaster Emergency Declarations:** A governor or tribal chief executive may request an emergency declaration in advance or anticipation of the imminent impact of an incident that threatens such destruction as could result in a major disaster. Such requests must meet all the statutory and regulatory requirements for an emergency declaration request. Requests must demonstrate the existence of critical emergency protective measure needs prior to impact are beyond the capability of the State and affected local governments or Indian tribal government and identify specific unmet emergency needs that can be met through Direct Federal Assistance (DFA). Such DFA may include, but is not limited to, personnel, equipment, supplies, and evacuation assistance. Pre-positioning of assets generally does not require a declaration. Assistance made available under a pre-disaster emergency declaration will typically be Category B (emergency protective measures), limited to DFA. FEMA may require damage assessments and/or verified cost estimates if additional types of assistance are requested.

**Emergency Declarations with Federal Primary Responsibility:** When an emergency exists for which the primary responsibility rests with the federal government, the president may declare an emergency without a request from the governor of the affected state or the tribal chief executive of the affected tribe. Such an emergency declaration does not prevent the governor or tribal chief executive from subsequently requesting a major disaster declaration for other unmet needs caused by the event.

**Major Declaration:** The president can declare a major disaster declaration for any natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought or, regardless of cause, fire, flood, or explosion that the president believes has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. A major disaster declaration provides a wide range of federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

**Fire Management Assistance Grants (FMAG):** The FMAG Program is available to states, local and tribal governments for the mitigation, management, and control of fires on publicly or privately-owned forests or grasslands that threaten such destruction as would constitute a major disaster. The FMAG declaration process is initiated when a state submits a request for assistance to the FEMA regional director at the time a “threat of major disaster” exists. The entire process is accomplished on an expedited basis, and a FEMA decision is rendered in a matter of hours. There is a 75 percent federal cost share and the state pays the remaining 25 percent for actual costs. Before a grant can be awarded, a state must demonstrate that total eligible costs for the declared fire meet or exceed either the individual fire cost threshold which applies to single fires, or the cumulative fire cost threshold, which recognizes numerous smaller fires burning throughout a state. Eligible firefighting costs may include expenses for field camps; equipment use, repair and replacement; tools, materials and supplies; and mobilization and demobilization activities.

**Federal Assistance Available without a Presidential Declaration:** In many cases, assistance may be obtained from the federal government without a presidential declaration. For example, FEMA places liaisons in state EOCs and moves commodities near incident sites that may require federal assistance prior to a presidential declaration. Federal departments and agencies may provide immediate lifesaving assistance to states under their own statutory authorities without a formal presidential declaration.

**Proactive Response to Catastrophic Incidents:** Prior to and during catastrophic incidents, especially those that occur with little or no notice, the state and federal governments may take proactive measures to mobilize and deploy assets in anticipation of a formal request from the state for federal assistance. Such deployments of significant federal assets would likely occur for catastrophic events involving chemical, biological, radiological, nuclear, or high-yield explosive weapons of mass destruction; large-magnitude earthquakes; or other catastrophic incidents affecting heavily populated areas. The proactive responses are utilized to ensure that resources reach the scene in a timely manner to assist in restoring any disruption of normal function of state or local governments. Proactive notification and deployment of federal resources in anticipation of or in response to catastrophic events will be done in coordination and collaboration with state, tribal, and local governments and private sector entities when possible.

## Federal Government

### National Response Framework

The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies – from the smallest incident to the largest catastrophe. The Framework defines the key principles, roles, and structures that organize the way we respond as a nation. It describes how communities, tribes, states, the federal government, and private sector and nongovernmental partners apply these principles for a coordinated, effective national response. The National Response Framework is always in effect, and elements can be implemented at any level at any time.

*The NRF addresses the following topics:*

- **Key Players:** Organizations and entities that may either need assistance or provide assistance
- **Federal Assistance:** Descriptions of the processes for requesting and obtaining federal assistance in support of states, tribes, local jurisdictions, and other federal partners
- **Emergency Support Function Annexes:** Summaries of the 15 ESF annexes, which group federal resources and capabilities into functional areas to serve as the primary mechanisms for providing assistance at the operational level
- **Support Annexes:** Summaries of the eight support annexes, which describe essential supporting aspects that are common to all incidents

*The Framework describes five elements of the Response Doctrine:*

- **Engaged Partnerships:** Avoid dominoes of sequential failure. Develop layered, mutually supporting capabilities; plan together; understand strengths/weaknesses; know where gaps are. Develop shared goals; align capabilities so no one allows another to be overwhelmed.
- **Tiered Response:** Incidents must be managed at the lowest possible jurisdictional level and supported by additional response capabilities when needed.
- **Scalable, Flexible and Adaptable Operational Capabilities:** As incidents change in size, scope and complexity, the number, type and source of responses must be able to expand to meet requirements.
- **Unity of Effort through Unified Command:** Effective unified command is indispensable to all response activities; requires clear understanding of roles and responsibilities; shared objectives. Each agency maintains its own authority, responsibility and accountability.

- **Readiness to Act:** Readiness to act balanced with an understanding of risk. Requires clear, focused communications. Disciplined processes, procedures, systems. From individuals, families, communities to local, state and federal agencies, national response depends on instinct and ability to act.

The Framework also includes incident annexes that address specific categories of contingencies or hazard situations

requiring specialized application of Framework mechanisms. Details relating to requesting and receiving assistance, as well as the authorities under which assistance is provided, are available on the NRF Resource Center website. Response partner guides, information on Stafford Act and non-Stafford Act assistance, all annexes, and a listing of legal authorities are available on this website.<sup>ii</sup>

### Community Lifelines: A construct for outcome-based stabilization efforts



In 2019, FEMA introduced the concept of community lifelines as a different way to provide leadership with information with context. According to FEMA, *a lifeline is a sector that provides indispensable service* that enables the continuous operation of critical business and government functions and is *critical to human health and safety or economic security*.

Lifelines are stabilization focused and designed to explain real world impacts. The intended audience is the whole community, including the private sector.

The following slides are excerpts from a 2019 FEMA Briefing: Community Lifelines 101: Overview of the Situational Awareness System. They detail the components of each lifeline.

### Safety and Security

- Government Services
  - Schools, Emergency Management, & Continuity of Government
- Responder Safety
  - Conditions, Monitoring, Message, Lodging, Sustenance, Equipment, Policy & Training
- Law Enforcement/Security
  - Police
- Search and Rescue
  - Resource, & Progress
- Hazard Mitigation
  - FIMA, Grants, Dams, & Levees
- Fire Services
  - Resource, & Progress

### Health and Medical

- Medical Care
  - Acute Medical Care, Post-Acute Medical Care, Patient Diagnostic, & Behavioral Health
- Patient Movement
  - Emergency Medical Services, Operational Medicine, & Medical Evacuations/Interfacility/Transfers
- Public Health
  - Incident Epidemiologic Profiling, Hazard/Threat or Disease Containment, & Public Health COOP
- Fatality Management
  - Body Recovery and Processing, Mortuary Services, Post-Morgue Services, Decedent's Family Assistance
- Medical Industry

### Food, Water, Sheltering

- Evacuation
  - Evacuations
- Food
  - Mass Feeding, Shelf Stable Meals, Private Sector, Grocery, Agriculture, Disaster SNAP, & Last Tactical Mile
- Water
  - Water Systems, Private Sector, Grocers, Filter Kits, Bulk Water, Non-potable, & Last Tactical Mile
- Shelter/Housing/IA
  - Housing, & IA
- Durable Goods
  - Comfort Kits, Small First Aid Kits, Tarps, Infant/Toddler Kits, Private Sector, Hardware, & Last Tactical Mile

### Energy (Power and Fuel)

- Power Grid
  - Distribution, Generation, and Transmission
- Temporary Power
  - Critical Facilities, and Resources
- Fuel
  - Responder Fuel, Commercial Fuel, and Critical Facilities

## Communications



- **Infrastructure** 📶
  - Cable, Radio, Wireless, and Wireline
- **Alerts, Warnings, and Messages** 📢
  - PSA Transmit, Capability, External Affairs, and Message
- **911 & Dispatch** 📞
  - 911, and Telephone Access
- **Finance** 💰
  - Access to Cash
- **Registration Intake** 📄
  - Access
- **Responder Communications** 📡
  - Federal ESFs and Field Assets, IOF/JFO, State EOC, County EOC, Local EOC, and First Responders



## Transportation



- **Highway/Roadway Motor Vehicle** 🚗
  - Road Conditions, Bridge/Tunnel, & Traffic Control
- **Mass Transit** 🚏
  - Bus, Commuter Trail, & Ferry Service
- **Railway** 🚆
  - Rail Infrastructure, Facilities/Material, & Handling Equipment
- **Aviation** ✈️
  - Facilities & Material, Handling Equipment, Operations, & Infrastructure
- **Maritime** 🚢
  - Waterway Status, Port Status, Facilities, & Infrastructure
- **Pipeline** 🛢️
  - Facilities, & Infrastructure



## Hazardous Waste



- **Facilities** 🏢
  - Private Labs, Stockpiles, Storage, Disposal, Superfund, Chemical, Nuclear, & Oil
- **Waste Water Systems** 🚰
  - Delivery Systems, Facilities, Treated, & Distribution
- **Incident Debris, Pollutants, Contaminants** 🗑️
  - Debris Removal, Sunken Vessels, Pollution, Household Debris, Animal Remains, & Agriculture Waste
- **Conveyance** 🚚
  - Pipeline, Freight & Abandoned Containers



FEMA is incorporating community lifelines into all regional response plans, doctrine, standard operating procedures and other products.

### E-3. Role of the Private Sector

Over the past few years there has been a shift in who is involved in the preparedness, response and recovery of a community. More and more the private sector is being utilized as a key operational partner to supplement and enhance resources and capabilities.

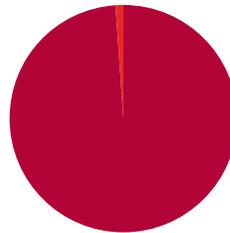
There has also been a misconception that the private sector needs an incentive to participate in the conversation and the operations. This is not true, private sector partners simply want to keep their people safe and make sure their businesses continue to run, that is their incentive. Private sector wants to build the relationships, and trust so they can be a supportive partner is recovering from any event.

According to a 2006 GAO report, approximately 85 percent of the nation's critical infrastructure is owned by the private sector, with small businesses accounting for 99% making it vital for public and private sectors to work together to protect these assets. In addition to the private sector owning the majority of our country's critical infrastructure, it's important to acknowledge and understand what makes up your state and your communities' economic foundation, that too should be considered part of that critical infrastructure. Every state is different, what is economically important for Florida is going to be different in Kansas.

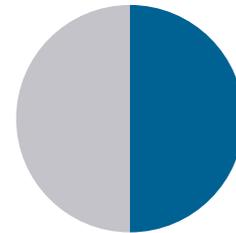
So how do you as a director begin to engage your private sector partners? How do you even begin to figure out who they are? The engagement needs to start at the leadership level. If the leadership does not buy into the importance of the private sector as a partner, then the trust will waver. Building a focused private sector program is the first step. Many states have a private sector lead who is responsible for engaging and working to build the trust and partnerships with the private sector. This will look different in every state and be based on resources but having a dedicated point of contact at the state level makes it easier for private sector partners know who to reach out to.

A key component to building a program is understanding who owns and is responsible for infrastructure and services in your communities. The biggest challenge we have seen in recent years is that priorities are being identified without considering that important component. Oftentimes the public sector assumes the responsibility for providing commodities and services after an event that would otherwise be provided by the private sector on

#### SMALL BUSINESSES:



ACCOUNT FOR 99%  
OF ALL COMPANIES



EMPLOY 50% OF ALL  
PRIVATE SECTOR  
EMPLOYEES

a daily basis. Specifically, who are the grocers in a community? Who provides health care or transportation services? When an event happens, it makes sense for those same people to provide those services and capabilities rather than the public sector taking it on. One simple example of this is the opening of points of distributions (PODs). Why open a POD if your grocery stores can open? That not only takes a task off the list for public sector, but also helps the community recover. The grocers may need assistance getting to their facilities, but that's part of the relationship building and collaborative preparedness prior to an event. With the state led approach to disaster work being encouraged, identifying and incorporating specific resources and capabilities the private sector already provides can take a huge weight off the public sector.

NEMA has a very active private sector membership that is working closely with the NEMA leadership, the Board of Directors and the State Private Sector Leads to identify how best to operationalize private sector in support of the State led approach. We encourage state directors to get to know the initiatives that NEMA is working on, who our private sector members are and get your private sector lead engaged with this group.

## E-4. Military Support to Civil Authorities

### Excerpts from *The Army and Air National Guard – A Primer*

**The role of the National Guard in national defense and homeland security is controlled by constitutional and statutory provisions governing the use of military force by the federal and state governments.**

National defense and homeland security strategies are built upon these constitutional foundations and affected by the constantly evolving unit structure, fund sources and operational capabilities of today's National Guard.

#### Use of Military Force to Defend and Secure the United States

Our militia heritage is deeply rooted in the legal, organizational and cultural fabric of our nation. For example, the Massachusetts National Guard has an unbroken lineage to the first regiments chartered by the General Court of the Massachusetts Bay Colony on December 13, 1636 (140 years before nationhood).

All other states, territories and the District of Columbia (hereafter referred to as “the states”) have equally rich military histories. Militia units patterned after the English militia system played a prominent role throughout the colonies and were pivotal in the fight for national independence. As the country expanded westward, territorial governments formed organized militias and preserved their primacy in the constitutions of the newly-formed states. Because of the militia's role in the birth and security of our nation, the right of all states to raise, maintain and domestically employ their own military forces (known since 1824 as the “National Guard”) is guaranteed by the United States Constitution and the constitutions and statutes of the several states.

Throughout history, the Guard has also been a leader in tactics, techniques and procedures essential to our national security. The New York National Guard created the nation's first military Aero Company in 1915 and units there and in other states subsequently accelerated exploitation of the air domain for military operations. Army National Guard Air Corps advancements (including the first cross-country flight) led to Congress' authorization of a separate Air National Guard in 1946. A year later (1947), with heavy support from Air National Guard leaders, Congress created the U.S. Air Force out of the Army Air Corps. Air National Guard citizen-warriors today are fully engaged in all Air Force missions and are at the leading edge of 21st Century cyber domain exploitation.

As a unique state-based military force (albeit largely funded by the federal government and trained in accordance with federal standards), the National Guard is the only military force that is shared by the states and the federal government. It is a ready, reliable and essential force accessible to the states for

state-centric and combined state-federal purposes and to the federal government for federal purposes.

#### State Active Duty

States are free to utilize their Army and Air National Guard forces, under state control and at state expense, for any domestic purpose authorized by the state constitution and statutes. In so doing, governors, as Commander-in-Chief, can directly access and utilize Army and Air National Guard federally-assigned aircraft, vehicles, communication gear and other equipment provided the federal government is reimbursed for the state's use of fungible equipment and supplies (e.g. fuel, food stocks, etc.) and for repair of any damage to the federal equipment, normal wear and tear excepted.

This is the authority under which governors regularly activate and deploy National Guard forces in response to floods, earthquakes, wild fires and other natural disasters in their own state and in support of other states under congressionally-chartered state mutual assistance compacts. It is also the authority under which governors deploy National Guard forces in response to manmade emergencies throughout the United States, such as riots (e.g., World Trade Organization Conference; Seattle, 1999), civil unrest (e.g., World Bank meeting; District of Columbia, 2000) and terrorist attacks (e.g., World Trade Center attacks; New York City, Sept. 11, 2001). Unless or until the federal government recognizes a shared state-federal purpose and accepts use of the National Guard “in the service of the United States”, such operations are nearly always undertaken pursuant to state authority and at the direction of the governor and the adjutant general.

Unlike active-duty and federal military reserve forces such as the Army and Air Force Reserves, National Guard personnel and equipment that have not been “federalized” are directly accessible to the governor for domestic emergencies and for other purposes as provided by state law. Such service is performed in accordance with state law; National Guard members performing duty at the call of the governor are therefore said to be in “State active-duty status” meaning, among other things, that command and control rests solely with the governor and

the state or territorial government. Constitutionally speaking, state active-duty missions are carried out by the adjutant general pursuant to a delegation of authority from the governor as Commander-in-Chief.

### **Title 32 Duty**

Article 1, Section 8 of the United States Constitution (commonly referred to as the “Militia Clause”) also authorizes use of the National Guard under continuing state control but at federal expense and in the service of the federal government to “execute the laws of the Union, suppress insurrections and repel invasions.”

These provisions are unique to the National Guard and are the authority by which governors answered the President’s request to deploy National Guard forces to the nation’s airports in the immediate aftermath of the Sept. 11, 2001 terrorist attacks.

On that occasion, governors deployed state-controlled National Guard forces at federal expense and in compliance with federally prescribed operational standards to assure aerial port security and to help execute the laws of the Union; namely, federal interstate commerce and aviation laws. Unlike subsequent 2002 border-security missions (described below), National Guard forces mobilized within hours of the President’s request and immediately deployed to airports where they continued to operate under state control for the duration of what turned out to be a six-month airport security mission. These arrangements preserved state operational, tactical and administrative control of National Guard personnel and assured maximum flexibility for responding to other unforeseen or emerging state and federal mission requirements.

These and similar domestic military missions have been performed by the National Guard many times since Sept. 11, 2001 under the authority of Title 32 United States Code (USC); National Guard members performing such duty are therefore commonly said to be serving in “Title 32 duty status” meaning, among other things, that command and control remains with the governor and the state or territorial government even though Guard forces are being used “in the service of the United States” and at the expense of the federal government for a shared state-federal purpose or a primary federal purpose.

Notwithstanding clear Militia Clause authority for these operations (state control of National Guard operations having a primary federal purpose or a shared state/federal purpose), some in DoD questioned whether Title 32 provided statutory authority for National Guard domestic operations in the service of the United States.

Other DoD officials accepted that National Guard training at federal expense is statutorily authorized, but argued that 32 USC 502(f), which authorizes use of the National Guard at federal expense but under continuing state control for “training or other

duty”, was somehow intended to limit Guard activities to “training only” rather than [as the statute explicitly says] “training or other duty” (e.g., domestic operations). Notwithstanding Congress’ subsequent passage of 32 USC Chapter 900 explicitly authorizing the Secretary of Defense to “provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the secretary determines to be necessary and appropriate”, state initiatives to use the National Guard in Section 502(f) duty status are still closely scrutinized and frequently denied by DoD.

32 USC 901(1) defines “homeland defense activities” as those “undertaken for the military protection of the territory or domestic population of the United States, or of the infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States”. The request for National Guard Title 32 engagement may originate with the Secretary of Defense (e.g., National Guard Operation Jump Start missions at the U.S. – Mexico border; 15 May 2006 to 15 July 2008) or “[a] Governor of a state may [also] request funding assistance for the homeland defense activities of the National Guard of [their] State” (32 USC 906) (e.g., requests by the Governors of Texas, New Mexico, Arizona and California for National Guard border security support; 2009-2010).

### **Title 10 Duty**

Article 1, Section 8, Clause 11 of the United States Constitution (commonly referred to as the “War Powers Clause”) grants Congress the power to declare war. Article II, Section 2 of the Constitution names the President as Commander-in-Chief of the armed forces thereby giving the President derivative power to direct the military after a congressional declaration of war. Tensions between express congressional war power authority and claims of implied Presidential authority have been reflected through the years in passage of the War Powers Resolution of 1973 (33 USC 1541) and the more recent enactment of Authorization for Use of Military Force against Terrorists (AUMF) (P.L.107-243 Oct. 16, 2002 – 116 Stat. 1498). This much is undisputed, however: whatever authority the President has with regard to mobilizing and deploying federal military Reserve components (e.g., the Army, Air Force, Navy, Marine Corps and Coast Guard Title 10 Reserves) applies equally to the nation’s shared military component – the National Guard. Voluntary and involuntary federally-directed combat, combat support and combat service support missions are performed under the authority of Title 10 USC; National Guard members performing such duty are therefore commonly said to be in “Title 10 duty status” meaning, among other things, that command and control rests solely with the President and the federal government.

Since the Army, Air Force, Navy and Marine Reserve components, like their active-duty counterparts, are federal military forces wholly controlled by the federal government,

their duty is always performed in Title 10 status and neither they nor their equipment are therefore directly accessible by Governors. When performed within the United States, Title 10 duty (including Title 10 duty by “federalized” National Guard personnel) is subject to numerous legal restrictions, including the Posse Comitatus Act (18 USC 1385) which prohibits federal military personnel from acting in a domestic law enforcement capacity unless expressly authorized by the Constitution or a separate Act of Congress<sup>1</sup>. When employed at home or abroad in Title 10 status, National Guard forces are no longer subject to state control and, for all legal purposes, therefore become indistinguishable elements of the federal military force.

The federal government used Title 10 USC authority to involuntarily mobilize and deploy National Guard soldiers to augment federal law enforcement agencies at the U.S. - Canadian and Mexican borders in the late spring and summer of 2002. In contrast to the speed and efficiency with which governors deployed National Guard forces to more than 450 airports within hours of the President’s request in September 2001, however, it took more than six (6) months for the Department of Defense and the U.S. Border Patrol to work out a memorandum of understanding for Title 10 National Guard augmentation at our land borders. Time consuming intra-agency and inter-agency negotiations and delays in approving Title 10 military responses are unfortunately the norm.

### Duty Statuses Summarized

As explained above, federal and state constitutions and statutes control the use of military force by the federal and state governments. These provisions, insofar as they apply to the National Guard, reflect the constitutional and political sharing of power between the states and the central federal government. National Guard forces are unique among all other military components in that they may be used in any one of three legally distinct ways:

- (1) By the Governor for any state purpose authorized by state law (state active duty); or
- (2) By the Governor, with the concurrence of the President or the President’s designee (e.g., the Secretary of Defense), for a constitutionally permissible shared state/federal purpose or for a primary federal purpose (Title 32 duty); or
- (3) By the President for a federal purpose authorized by federal law (Title 10 duty).

When in state active duty or Title 32 duty status, National Guard forces remain under the operational, tactical and administrative control of the Governor. Such authority is vested in the governor as the state Commander-in-Chief and executed on the

governor’s behalf by the adjutant general as the state’s joint forces commander.

When mobilized by the President in accordance with law for Title 10 duty, National Guard units and personnel become federal military forces and transfer to the operational, tactical and administrative control of the President. Mobilization authority is vested in the President as the federal Commander-in-Chief and executed on the President’s behalf by the Chiefs of Staff of the Army and Air Force (as force providers) in support of designated Combatant Commanders. Title 10 forces, including mobilized or “federalized” National Guard forces, can no longer be accessed by a Governor regardless of the nature of a domestic emergency.

Only the National Guard has the flexibility to operate in any of the foregoing statuses. As the Supreme Court explained in *Perpich v. Department of Defense*, 496 U.S. 334 (1990), a Guard member can wear one of three figurative hats: a civilian hat, a state militia member hat (e.g., Army or Air National Guard — ARNG/ANG — in state active duty or Title 32 status) or a Reserve of the Army or Air Force hat (e.g., Army or Air National Guard of the U.S. - ARNGUS/ANGUS – in Title 10 status), but “only one hat may be worn at any particular time”. *Id* at 348.

Each operational status carries distinct operational, fiscal, force management and legal advantages or disadvantages that call for conscious decisions about how the National Guard can most effectively be employed in a domestic setting. Use of the National Guard under state control (e.g., Title 32) for domestic missions always protects vital state interests and nearly always simultaneously maximizes attainment of federal defense and homeland security objectives. Unfortunately, these considerations are not always understood or even considered by federal authorities. The National Governors’ Association (NGA) has therefore felt compelled to adopt the following policy position:

“Governors believe when the National Guard members perform domestic missions, they should do so in Title 32 USC status rather than Title 10 USC status, unless the President has called them in Title 10 for a federal mission requiring federal troops, such as to repel an invasion. In Title 32 status, National Guard members can continue to train with their regular units and in times of federal mobilization these Guard members are available to deploy with their units. The Governors further note that Title 32 status for domestic deployments avoids all posse comitatus issues.” (NGA HR-6, Army and Air National Guard Policy, initially adopted as a two-year policy statement at the NGA Winter Meeting in 2003 and reaffirmed at the NGA Winter Meetings for 2005-2007, 2007-2009 and 2009-2011).

1. The original Posse Comitatus Act applied only to the United States Army. The Air Force was added by congressional amendment in 1956 and the restrictions of the Act were extended to the Navy and Marines by DoD regulation. When serving in its normal Title 14 duty status, the Coast Guard is not subject to the Act or the DoD regulations but when the Coast Guard performs Title 10 duty as part of the U.S. Navy it loses its federal police power authority and becomes subject to the same regulatory restrictions as the Navy.

## State and Federal Executive Authority

The U.S. Constitution does not expressly grant the President additional powers in the event of a national emergency. Because the Constitution is silent on the issue, the courts have recognized a right of the Executive Branch to use emergency powers only when Congress has granted such powers to the President (see, e.g., the Insurrection Act of 1907; 10 USC 331). The Insurrection statute, coupled with the Posse Comitatus Act (Supra.), generally prohibits members of the federal uniformed services from exercising state law enforcement, police or peace officer powers on non-federal property.

These issues were at the heart of President Truman's seizure of steel mills that were closed by labor strikes at the height of the Korean War. The President asserted that the war could not be successfully prosecuted if critical materials could not be provided to the armed forces. The Supreme Court, in a 6-3 decision, rejected the argument and ruled that neither Commander-in-Chief powers nor any other claimed emergency powers gave the President authority to take control of private property without express Congressional authorization. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

By contrast, governors are empowered to exercise extraordinary emergency powers. The governor of Oklahoma, for example, has express authority in civil emergencies to prioritize and allocate resources such as water, food and fuel; to provide for full or partial evacuation of the population; and to exercise "all functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population." 63 OS 683.9.

By way of further illustration, the governor of the state of Washington "may by proclamation declare the county or city in which troops are serving, or any specific portion thereof, to be under either complete or limited martial law (defined in the statute as "the subordination of all civil authority to the military", including the "right to try all persons...by a military tribunal."). RCW 38.08.030. Washington law further provides "Whenever any portion of the militia is ordered to duty by the governor, the decision of the governor shall be final, incontrovertible and unimpeachable." RCW 38.08.060.

## Adjutant General Authority

Adjutant general authority reflects and supports the extraordinary emergency powers and domestic security responsibilities of the governors.

Regardless of service affiliation, the adjutant general (commonly referred to as "the TAG") is the joint forces commander of all National Guard and State Defense forces (SDF) in his/her state. The TAG exercises command and control of all federally recognized Army and Air National Guard units and personnel (unlike federal Title 10 Reserve components, the Guard is a unit struc-

ture designed to be mobilized and deployed as units; the Guard has no individual mobilization augmentees [IMAs]). TAGs in states with separate and distinct State Defense Forces also command all such forces (State Defense Forces are state military units authorized by 32 USC 109 and regulated by the National Guard Bureau through the Army National Guard of the United States). Although State Defense Forces cannot be mobilized by the federal government, they are frequently mobilized by governors as part of a combined National Guard state activation and contribute significantly to state emergency responses.

Acting through Assistant Adjutants General for the Army and Air National Guard and through a Joint Force Headquarters in each state, the adjutant general is the joint forces commander and appointing authority for all Army and Air National Guard officers and enlisted soldiers/airmen and for all Military Department state and federal civilian employees. The adjutant general is empowered to appoint and remove officers from military assignments at will and to appoint and remove state and federal civilian employees from employment for cause.

## Total Force Policy and Transnational Terrorism

Transnational terrorism makes the militia-nation construct and the core tenets of Total Force integration more relevant and essential today than ever before. The proliferation of weapons of mass destruction (WMD) has made the American homeland part of a global battle space in which citizens are exposed to a wide array of potential chemical, biological, radiological, nuclear and conventional high-yield explosive attacks.

In this new and increasingly lethal threat environment, national defense and homeland security have become a shared responsibility of the federal and state governments. Bright lines between "national defense" and "homeland security" and attempts to establish similar lines of demarcation between federal and state responsibilities generate unintended gaps and perpetuate unacceptable risks and vulnerabilities.

State constitutions and statutes grant governors emergency powers that are far more extensive than Presidential emergency powers. Under the aegis of the Emergency Management Assistance Compact (EMAC) and other regional compacts, governors support one another with immediate state-to-state emergency responses. When states need supplemental federal assistance, federal resources are more often furnished by the Department of Homeland Security or some other federal agency (as called for in the National Homeland Security Strategy) than by DoD.

The governors' authority to directly task National Guard unit-equipped (UE) aircraft and other Guard-assigned equipment is critical to the states' ability to respond to local, regional and national emergencies. Memoranda of Understanding (MOUs) granting governors emergency access to aircraft in classic Associate units (arrangements in which federal aircraft are

unit-assigned to an active duty military organization and shared with a National Guard associate unit) are also crucial to intra-state and interstate responses to disasters ranging from hurricanes to terrorist attacks.

Just as National Guard personnel can be directly tasked by governors and the President alike in times of national peril, so too federal equipment used by National Guard units is accessible to governors and the President alike in times of crisis. If there are conflicting requirements, federal needs prevail under the War Powers clause of the U.S. Constitution. If there is no conflict, however, governors' direct access to aircraft, communications equipment and other unit-equipped resources provides a quick-response capability for saving lives and maintaining our national security.

### **National Defense and Homeland Security Strategies**

The National Strategy for Homeland Security calls for shared state and federal accountability for the security of the homeland.

National Guard capabilities add immeasurably to the states' emergency preparedness and reduce the need for assistance from federal authorities, including U.S. Northern Command. The Guard's presence in thousands of communities throughout the homeland enables it to overcome the "tyranny of time and distance" that limits most federal responses. Governors expect the adjutant general to exercise control over military forces operating within their state. The requirement is met when forces are in state active duty or Title 32 status and when tactical control of Guard units from supporting states is transferred, as it routinely is, to the governor and adjutant general of a supported state. When federal forces also engage in support operations within a state (as opposed to simply being stationed in or transiting a state), unity of effort can also be assured by transferring tactical control (TACON) of the Title 10 forces to the adjutant general in support of their governor just as tactical control of Title 10 forces is transferred to Canadian military officers in support of Provincial Premiers and other Canadian civil authorities (Canada-U.S. Civil Assistance Plan; February 14, 2008).

Unity of effort among state and federal forces can also be achieved by establishing a dual-status command structure for no-notice as well as preplanned incidents. 32 USC 325 authorizes appointment of a National Guard officer familiar with the state and local area to command National Guard and federal military forces in both a state (Title 32) and federal (Title 10) status. Dual status command appointments are created via a "By-Name" authorization of the President and consent of the governor.

### **Conclusion**

The United States is entering a new and more dangerous era with national defense and homeland security policies still evolving to meet 21st century requirements. The security requirements of today's global battle space are complicated by demographic changes such as the urbanization of our population, the advent of "just-in-time" delivery systems for food, fuel, medicine and other life-sustaining resources and growing dependence on space-based and cyber-domain infrastructure. These and other factors complicate and often magnify the impact of domestic emergencies. More than ever before, state and federal officials must work in harmony to defend, deter and recover from a growing spectrum of adaptive threats (nation states and individual actors) and non-adaptive hazards (natural disasters). Governors, as state Commanders-in-Chief, and adjutants general, as state Joint Forces Commanders, have significant authority and concomitant responsibility for safeguarding our homeland.

*i. NEMA State Director Handbook, National Emergency Management Association, September 2001.*

*ii. National Response Framework, U.S. Department of Homeland Security, January 2008.*

*iii. CRITICAL INFRASTRUCTURE PROTECTION: Progress Coordinating Government and Private Sector Efforts Varies by Sectors' Characteristics GAO-07-39: Published: Oct 16, 2006. Publicly Released: Nov 15, 2006.*

# SECTION F.

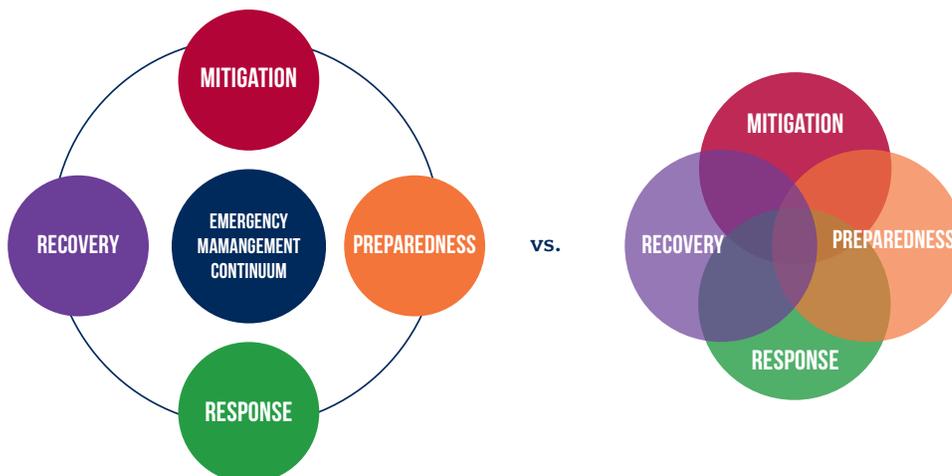
## RECOVERY

### F-1. Disaster Recovery Concepts

Successful disaster recovery is crucial to achieve a more prepared and resilient Nation. The National Disaster Recovery Framework (NDRF), established in 2011, provides guidance to individuals, the private sector and governmental entities at all levels on long-term disaster recovery. The NDRF is an evolving doctrine and framework that embraces “whole community” concepts and aligns itself with established policies and principles established in the National Homeland Security Strategy, National Response Framework (NRF), National Infrastructure Protection Plan (NIPP), and the National Incident Management System (NIMS). Further information regarding each of these areas can be found on FEMA’s website at [www.fema.gov](http://www.fema.gov).

While development of the NDRF has helped to further define the roles and responsibilities of individuals and families, non-governmental organizations and local, state, tribal, territorial and federal governments, state/tribal/territorial (STT) emergency management directors must further define the role they and their organizations play in disaster recovery. That role may differ depending on the nature and scope of a disaster. Directors must work within their own STT’s organizational and leadership frameworks to determine when their agency plays the leadership role and when others may take the lead and STT emergency management plays its role as an important member of the team.

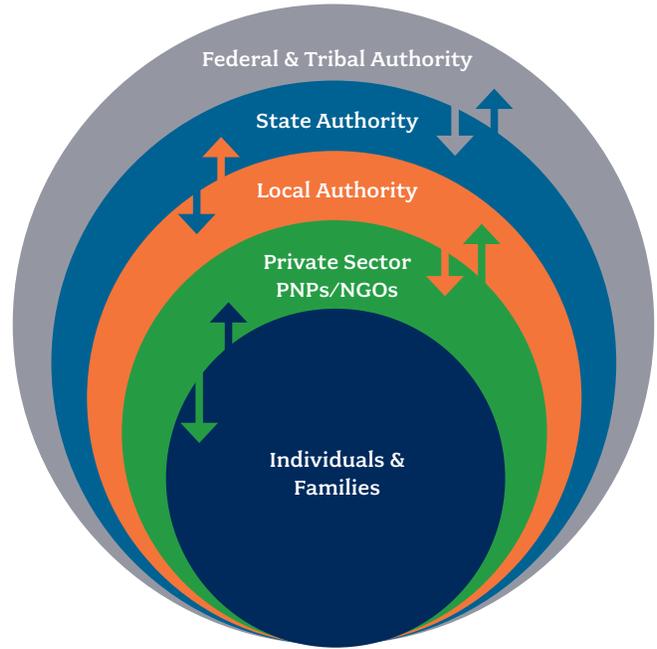
Previously, recovery was thought to be part of a continuum that began with mitigation and preparedness activities in anticipation of a disaster, followed by disaster response, and ultimately culminating in short and long-term recovery.



However, emergency management does not operate on a continuum. It is the result of an integration and symbiotic inter-relationship between these functions. Emergency managers have found they “prepare for recovery” and that the timeliness and speed of recovery are examined in relationship and context of the disaster response. Recovery is also an opportunity to examine what measures may be taken to mitigate or lessen the adverse effects of future disasters. Effective recovery programs are those that re-build and re-develop with an eye on the future — not simply to restore things to the past.

Emergency managers have also found the most effective recovery is derived when the “whole community” is involved in the entire emergency management process. Research shows the most effective recovery over the broadest spectrum results when the process begins at the local level and becomes interactive as each stakeholder joins the process. Individuals and families play a role in determining their own ability to recover, but they may also play an important role in their neighborhoods, communities, regions and STT in ultimately determining the scope and effectiveness of disaster recovery efforts.

### Whole Community Focused Recovery



## F-2. National Disaster Recovery Framework

The *National Disaster Recovery Framework* outlines how community recovery is supported on a national level. The Recovery Framework builds on scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities, linking local, state, tribal, territorial and federal governments; the private sector; and voluntary, faith-based and community organizations that play vital roles in recovery. Additional recovery planning resources include the *Pre-disaster Planning Guide for Local Governments*, FEMA, February 2017 and *The Planning for Post-Disaster Recovery: Next Generation Briefing Papers*, American Planning Association.

The Framework reflects as core principles the significant themes and recommendations that emerged from the work of the long-term disaster recovery working group and stakeholder outreach efforts. These principles include:

- **Individual and Family Empowerment:** Recovery is not only about restoration of structures, systems and services – although they are critical. A successful recovery is also about individuals and families being able to rebound from their losses and sustain their physical, social, and economic well-being. The shared recovery objective should always be to empower people to recover from disasters by assisting them with compassion and providing them the opportunities and tools to meaningfully participate and contribute to the recovery effort.
- **Leadership and Local Primacy:** Local governments have primary responsibility for disaster recovery in their communities and play the lead role in planning for and managing all aspects of community recovery. This is a basic, underlying principle that should not be overlooked by federal and other disaster recovery managers in their eagerness to assist. However, although local primacy is critical, the majority of recovery resources will be federally supported and managed by the STT and that is why resource coordination/leveraging through the Recovery Support Function (RSF) model is critical. Also, the federal government is a partner and facilitator in recovery and must be prepared to manage when the disaster impacts areas of primary federal jurisdiction or national security and to assist should STT and local governments be overwhelmed by a large-scale or catastrophic event. The federal government must partner closely with tribal governments to support their plans for addressing disaster recovery and encourage tribes to forge partnerships with surrounding local and state governments as well.
- **Preparation for Recovery:** Critical to recovery preparedness is pre-disaster planning, an ongoing responsibility for all levels of governments; individuals and families; the business community; and voluntary, faith-based and community organizations.

- **Partnerships and Inclusiveness:** Partnerships and inclusiveness are vital to ensuring that all voices are heard from all parties involved in disaster recovery and that the most innovative and relevant solutions are considered. This is especially critical at the local level, where non-governmental partners in the private and nonprofit sectors (e.g. local businesses, owners and operators of critical infrastructure and key resources, and voluntary, faith-based, and community organizations) play a significant role in meeting the needs of individuals and families, children, and individuals with access and functional needs.
- **Communications:** All disaster recovery managers should promote clear, consistent, culturally sensitive, and frequent communication of critical recovery information through a process that is inclusive of and accessible to the general public and stakeholders. Stakeholders should understand their roles and responsibilities and have realistic expectations of the recovery process and goals.
- **Unity of Effort:** For successful recovery to occur, stakeholders coordinate and direct assistance resources to achieve recovery priorities developed by the affected community. Shared priorities are built upon community consensus and transparent and inclusive planning process.
- **Timeliness and Flexibility:** For successful recovery to occur, timely recovery activities and assistance are delivered through a coordinated and sequenced process. Recovery programs and operations should be adaptable to meet unmet and evolving recovery needs.
- **Resilience and Sustainability:** For successful recovery to occur, communities should implement mitigation and resilience strategies that minimize their risk to hazards and strengthen their ability to withstand and recovery from future disasters.

Built as a document to forge a common understanding of roles, responsibilities, and resources available for effective recovery, the NDRF is designed for all who are or might be involved in disaster recovery. The key concepts in the document are the need for structure – provided by the Recovery Support

Functions; leadership – provided locally and strengthened through support by the proposed STT recovery coordinators, private sector, faith-based and private nonprofit leaders, and, when needed, the proposed federal recovery coordinator; and planning – important both pre- and post-disaster. These concepts are explained and developed in the Recovery Framework. When combined with the full involvement of all stakeholders, along with realistic and well-communicated expectations of desired outcomes, they constitute the building blocks for a successful community recovery.

**Four concepts and terms in the NDRF are:**

- Federal disaster recovery coordinator (FDRC)
- State or tribal/territorial disaster recovery coordinator (SDRC or TDRC)
- Local disaster recovery manager (LDRM)
- Recovery support functions (RSFs)

The RSFs are six groupings of federal agencies that provide a structure to facilitate problem solving, improve access to resources, and foster coordination among state and federal agencies and nongovernmental partners and stakeholders. Each RSF has coordinating and primary federal agencies that operate together with local, state, and tribal government officials and private nonprofit and private sector partners. It is important to note that there is no central funding source for implementing measures identified through the RSFs. The concepts of FDRCs, SDRCs, TDRCs and RSFs are fundamentally scalable to the nature and size of the disaster. The RSFs are:

- Community Planning and Capacity Building (CPCB) Recovery Support Function
- Economic Recovery Support Function
- Health and Social Services Recovery Support Function
- Housing Recovery Support Function
- Infrastructure Systems Recovery Support Function
- Natural and Cultural Resources Recovery Support Function

In addition to the Recovery Framework, a supplemental reference document for recovery is the Recovery Federal Interagency Operational Plan, FEMA, dated August 2016.

The Recovery Framework applies to all disasters, recovery partners, and recovery activities and is adaptable for different levels of recovery needs. It facilitates and leverages partnerships and collaboration among all stakeholders to ensure that recovery assistance is effectively delivered to the impacted residents and communities.

Ideally, with all stakeholders, recovery begins before disaster strikes, with preparedness activities such as planning, capability building, exercising, and establishing tools and metrics to evaluate progress and success; mitigation planning and actions;

economic development planning; and vital partnership building, all of which contribute to the community's and the nation's resilience. Post-disaster recovery activities begin in the early stages of the response operations and may last for years. Actions that help recovery, resilience and sustainability, should be built to the steady-state operations of governments at all levels.

The Recovery Framework focuses on intermediate and long-term recovery activities and distinguishes these from response and stabilization activities. Even though response activities often set the stage for recovery, the Framework does not speak to response operations and other emergent activities that immediately precede or follow a disaster such as life-saving, life-sustaining, property protection actions and other measures intended to neutralize the immediate threat to life and property. However, response activities can influence long-term recovery and be choice-limiting, and these long-term recovery impacts must be considered for their potential impact prior to implementation.

As response actions wind down, stabilization activities are primary. Stabilization is the process in which the immediate impacts of an event on community systems are managed and contained, thereby creating an environment where recovery activities can begin. The various elements of a community system will stabilize on different time frames, leading to a situation in which response, stabilization, and restorations activities can occur concurrently. Stabilization includes such activities as:

- Providing essential health and safety services.
- Providing congregate sheltering or other temporary sheltering solutions.
- Providing food, water, and other essential commodities for those displaced by the incident.
- Providing disability-related assistance/functional needs support services.
- Developing impact assessments on critical infrastructure, essential services, and key resources.
- Conducting initial damage assessments.
- Conducting community-wide debris removal, including clearing of primary transportation routes of debris and obstructions.
- Restarting major transportation systems and restoring interrupted utilities, communication systems, and other essential services such as education and medical care.
- Establishing temporary or interim infrastructure systems.
- Supporting family reunification.
- Supporting return of medical patients to appropriate facilities in the area.

- Providing basic psychological support and emergency crisis counseling.
- Providing initial individual case management assessments.
- Providing security and reestablishing law enforcement functions.
- Building an awareness of the potential for fraud, waste, and abuse and ways to deter such activity, such as developing public service announcements and publicizing ways to report allegations.
- Beginning assessment of natural and cultural resources.

Intermediate recovery activities involve returning individuals and families, critical infrastructure and essential government or commercial services back to a functional, if not pre-disaster state. Such activities are often characterized by temporary actions that provide a bridge to permanent measures. Examples of these actions are:

- Continuing to provide individual, family-centered, and culturally appropriate case management. Providing accessible interim housing (in or outside the affected area depending on suitability) and planning for long-term housing solutions.
- Returning of displaced populations and businesses, if appropriate.
- Reconnecting displaced persons with essential health and social services.
- Providing supportive behavioral health education, intervention, crisis, grief, and group counseling and support.
- Providing access and functional needs assistance to preserve independence and health.
- Updating hazard and risk analyses to inform recovery activities.
- Establishing a post-disaster recovery prioritization and planning process.
- Developing an initial hazard mitigation strategy responsive to needs created by the disaster.
- Ensuring that national and local critical infrastructure priorities are identified and incorporated into recovery planning.
- Developing culturally and linguistically appropriate public education campaigns to promote rebuilding to increase resilience and reduce disaster losses.
- Supporting capacity assessment of local, state, and tribal governments to plan and implement recovery.
- Completing assessments of natural and cultural resources and develop plans for long-term environmental and cultural resource recovery.

Long-term recovery is the phase of recovery that follows intermediate recovery and may continue for months to years. Examples include the complete redevelopment and revitalization of the damaged area. The underlying goal in long-term redevelopment is that the impacted community is moving toward self-sufficiency, sustainability, and resilience. Activities may continue for years depending on the severity and extent of the disaster damages as well as the availability of resources. They include the following:

- Identifying risks that affect long-term community sustainment and vitality.
- Developing and implementing disaster recovery processes and plans, such as a long-term recovery and mitigation measures in the community's land use planning and management, comprehensive plans, master plans, and zoning regulations.
- Rebuilding to appropriate resilience standards in recognition of hazards and threats.
- Addressing recovery needs across all sectors of the economy and community, and addressing individual and family recovery activities and unmet needs.
- Rebuilding educational, social, and other human services and facilities according to standards for accessible design.
- Reestablishing medical, public health, behavioral health, and human services systems.
- Reconfiguring elements of the community in light of changed needs and opportunities for "smart planning" to increase energy efficiency, enhance business and job diversity, and promote the preservation of natural resources.
- Implementing mitigation strategies, plans, and projects.
- Implementing permanent housing strategies.
- Reconstructing and/or relocating, consolidating permanent facilities.
- Implementing economic and business revitalization strategies.
- Implementing recovery strategies that integrate holistic community needs.
- Implementing plans to address long-term environmental and cultural resource recovery.
- Ensuring that there is an ongoing and coordinated effort among local, state, tribal, and federal entities to deter and detect waste, fraud, and abuse.
- Identifying milestones for the conclusion of recovery for some or all non-local entities.

The Recovery Framework is a good structure for STT and local recovery planning efforts. In particular, pre-disaster identification, training and exercising with RSF partners at the STT and local level and with those non-governmental organizations active within your state.

## State Voluntary Agency Liaison

Most disasters impacting your STT will not result in a federal disaster declaration. However, local governments and disaster survivors still require assistance with case management, donations management and other disaster specific issues resulting from a disaster. To address this, many states have established the role of State Voluntary Agency Liaison (VAL). The State VAL plays an important role both pre and post-disaster to help build capacity to effectively prepare, respond, and recover from disasters.<sup>i</sup>

**Pre-Event:** The State VAL works to develop relationships with and among voluntary agencies. These voluntary agencies typically coordinate as local and state Voluntary Organizations Active in Disaster (VOADs). The State VAL is engaged in VOAD development and maintenance and will serve as the State's primary point of contact for the VOAD during activation and recovery. The State VAL is typically a state employee working within the state Emergency Management structure. They coordinate closely with the State Individual Assistance (IA) Officer. They often are part of the Mass Care team since voluntary agencies are integral to a successful sheltering and mass feeding strategy. Many State VALs also have responsibilities related to unaffiliated volunteer and unsolicited donations management.

**Post-Federal Declaration:** In the aftermath of a disaster, the State VAL works closely with the FEMA VAL and their team. The State VAL will continue to support coordination of the voluntary organizations (local, state and national VOAD partners) engaged in response and recovery work. The State VAL will also begin, in coordination with the FEMA VAL, to provide affected local communities with technical assistance to begin development of local long-term recovery committees (LLTRC) who will serve as the group tasked with individual and family recovery. This process coordinates case management, assistance from voluntary agencies, donated resources and in some cases, in-kind cash that provides disaster survivors with a coordinated disaster recovery system.

**Non-declared Federally Declared Events:** When there is no FEMA involvement, the State VAL can still provide technical assistance to LLTRCs. There may also still be a need to liaison with VOADs and provide technical assistance for coordination of unaffiliated volunteers and unsolicited donations.

**FEMA has developed a Fact Sheet describing the Voluntary Agency Liaison Role:** [www.airs.org/files/public/Dallas2015/AIRS\\_Conference2015\\_Disaster\\_LongTermRecoveryPartnerships\\_FEMA\\_VAL.pdf](http://www.airs.org/files/public/Dallas2015/AIRS_Conference2015_Disaster_LongTermRecoveryPartnerships_FEMA_VAL.pdf)

### F-3. Federal Disaster Declaration Process

While effective disaster recovery begins with pre-disaster planning and preparedness activities and does not follow a linear process, there is a well-developed and established process for requesting recovery assistance.

Damage and disaster impact assessments drive this process. Local and STT emergency managers must work within their communities to assess damages and impacts to individuals and families, businesses, public infrastructure and facilities, agriculture, private non-profit organizations, and all sectors of their communities to document and begin to understand the types and levels of damage. These assessments are used in determining the need for assistance provided through a broad array of programs as well as the unmet needs that may result when programs are insufficient to meet community demand. FEMA addresses the damage assessment process in their Damage Assessment Operations Manual.

Depending on the results of the local and STT damage assessment, the STT may find that disaster recovery does not exceed the capabilities and capacities of local and STT governments, or the governor/tribe may decide to seek recovery assistance directly from federal agencies exercising their own authority act. The U.S. Department of Agriculture, U.S. Department of Health and Human Services and other federal agencies may have the ability to provide recovery assistance under their own authority and may act on a governor's direct request.

If the governor/tribe determines disaster recovery is beyond local and STT capabilities, the STT may request a joint preliminary damage assessment (Joint PDA) in the affected area. Requests are made by the governor/tribe or governor's/tribe's authorized representative (GAR) to the appropriate FEMA regional administrator. These assessments involve local and STT officials working with representatives of the federal government. Depending on the nature and scope of the disaster, federal partners may include not only FEMA but also officials

representing the Small Business Administration, U.S. Department of Health and Human Services, the U.S. Department of Agriculture, U.S. Army Corps of Engineers, and others.

Depending on the results of the Joint PDA, a governor/tribe may elect to submit a request for assistance to federal agencies that may act under their own authorities, or the governor/tribe may elect to make a request to the president to exercise his or her authority under the Robert T. Stafford Act, Public Law (PL) 93-288, as amended. The governor/tribe may request that the president exercise his or her authority to either grant an "emergency," "expedited," or "major disaster" declaration. A governor's/tribal's request for a presidential disaster declaration must be made through the appropriate FEMA regional administrator.

Title 44 Code of Federal Regulations, sections 206.35, 206.35 and 206.37, set out how a governor/tribe may make a request for a presidential emergency or major disaster declaration and how these requests will be processed.

### §206.35 Requests for Emergency Declarations

(a) *When an incident occurs or threatens to occur in a state, which would not qualify under the definition of a major disaster, the governor of a state, or the acting governor in his/her absence, may request that the president declare an emergency.* The governor should submit the request to the president through the appropriate regional administrator to ensure prompt, acknowledgement and processing. The request must be submitted within 5 days after the need for assistance under title V becomes apparent, but no longer than 30 days after the occurrence of the incident, in order to be considered. The period may be extended by the assistant administrator for the disaster assistance directorate provided that a written request for such extension is made by the governor or acting governor, during the 30-day period immediately following the incident. The extension request must stipulate the reason for the delay.

(b) *The basis for the governor's request must be the finding that the situation:*

- (1) Is of such severity and magnitude that effective response is beyond the capability of the state and the affected local government(s); and
- (2) Requires supplementary federal emergency assistance to save lives and to protect property, public health and safety, or to lessen or avert the threat of a disaster.

(c) *In addition to the above findings, the complete request shall include:*

- (1) Confirmation that the governor has taken appropriate action under state law and directed the execution of the state emergency plan;
- (2) Information describing the state and local efforts and resources which have been or will be used to alleviate the emergency;
- (3) Information describing other federal agency efforts and resources which have been or will be used in responding to this incident; and
- (4) Identification of the type and extent of additional federal required.

### §206.36 Requests for Major Disaster Declarations

(a) *When a catastrophe occurs in a state, the governor of a state, or the acting governor in his/her absence, may request a major disaster declaration.* The governor should submit the request to the president through the appropriate regional administrator to ensure prompt acknowledgement and processing. The request must be submitted within 30 days of the occurrence of the incident in order to be considered. The 30-day period may be extended by the assistant administrator for the disaster assistance directorate, provided that a written request for an extension is submitted by the governor, or acting governor, during this 30-day period. The extension request will stipulate reasons for the delay.

(b) *The basis for the request shall be a finding that:*

- (1) The situation is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments; and
- (2) Federal assistance under the Act is necessary to supplement the efforts and available resources of the state, local governments, disaster relief organizations, and compensation by insurance for disaster related losses.

(c) *In addition to the above findings, the complete request shall include:*

- (1) Confirmation that the governor has taken appropriate action under state law and directed the execution of the State emergency plan;
- (2) An estimate of the amount and severity of damages and losses stating the impact of the disaster on the public and private sector;
- (3) Information describing the nature and amount of State and local resources which have been or will be committed to alleviate the results of the disaster;
- (4) Preliminary estimates of the types and amount of supplementary Federal disaster assistance needed under the Stafford Act; and
- (5) Certification by the governor that state and local government obligations and expenditures for the current disaster will comply with all applicable cost sharing requirements of the Stafford Act.<sup>ii</sup>

**Directors should take special note: 44 CFR Section 206.36 goes on to state:**

(d) For those catastrophes of unusual severity and magnitude when field damage assessments are not necessary to determine the requirement for supplemental federal assistance, the governor or acting governor may send an abbreviated written request through the regional administrator for a declaration of a major disaster. This may be transmitted in the most expeditious manner available. In the event the FEMA regional office is severely impacted by the catastrophe, the request may be addressed to the administrator of FEMA. The request must indicate a finding in accordance with §206.36(b) and must include as a minimum the information requested by §206.36 (c)(1), (c)(3), and (c)(5). Upon receipt of the request, FEMA shall expedite the processing of reports and recommendations to the President.” This is often referred to as an “Expedited Request.

Directors should consult with their agency disaster recovery staff and with their FEMA regional office in preparing a governor’s/tribe’s request for emergency, major or an expedited request for presidential declaration. A governor’s/tribe’s request should be viewed as a collaborative process between the STT and FEMA, and the director and governor’s/tribe’s office should work together to ensure a governor’s/tribe’s request is as complete and accurate as possible. In preparing a governor’s request, state directors should take note not only of the form, format, and data requirements of the request but also that a governor/tribe must be specific in the types and programs for assistance being requested. FEMA has forms and template letters available for a governor’s use when requesting a presidential disaster declaration, <https://www.fema.gov/media-library/assets/documents/28122>.

Once the request is received by the FEMA regional administrator, the region reviews the request and may request further information before making its recommendation to FEMA headquarters. FEMA headquarters reviews the state’s/tribe’s request and region’s recommendations and the declarations unit prepares a package containing FEMA’s recommendation to the president for the FEMA administrator’s signature. A draft White House package is e-mailed to the secretary of DHS for review and approval. FEMA then forwards the package to the president for consideration and decision.

FEMA has established by rule, 44 CFR 206.48, the factors that may be considered in evaluating a governor’s/tribe’s request for a major disaster declaration. In considering requests, federal law provides that a finding must be made that an incident is of such severity and magnitude that effective response is beyond state/tribe/territory and local capabilities and that federal assistance is necessary. In addition, federal law restricts the use of arithmetic formulas or sliding scales based on income or population as the sole basis for determining the need for federal disaster supplemental aid.

**A number of factors are evaluated in reviewing a governor’s/tribe’s request. The primary factors considered include:**

- Amount and type of damage (number of homes destroyed or with major damage);
- Impact on the infrastructure of affected areas or critical facilities;
- Imminent threats to public health and safety;
- Impacts to essential government services and functions;
- Unique capability of federal government;
- Dispersion or concentration of damage;
- Level of insurance coverage in place for homeowners and public facilities;
- Assistance available from other sources (federal, state, local, voluntary organizations);
- State and local resource commitments from previous, undeclared events; and
- Frequency of disaster events over recent time period.
- For public assistance only - per-capita impacts are established each federal fiscal year for states and counties. Impacts are adjusted based on the Consumer Price Index for All Urban Consumers, published annually by the U.S. Department of Labor.

The very nature of disasters, their unique circumstances, the unexpected timing, and varied impacts, precludes a complete listing of factors considered when evaluating disaster declaration requests. However, the above lists most primary considerations.<sup>iii</sup>

The president has the ultimate discretion in granting or refusing a governor’s/tribe’s request for a major disaster or emergency disaster declaration. In addition, the president may choose to grant the governor’s/tribe’s request in whole or in part regarding applicability to a geographic area or program, electing to grant or deny assistance to a county or location, or to authorize the implementation of certain assistance programs.

In any case, the governor/tribe will be promptly notified by the FEMA administrator or his or her designee, of an emergency or major disaster declaration by the president. FEMA will also notify other federal agencies and interested parties, to include the appropriate congressional delegations. The notification will include both the designations of available assistance and areas eligible for such assistance.

#### **Incident Period**

The “incident period” reflects the time during which the disaster or event occurs. Most often this is determined by information provided by the National Weather Service (NWS) and state and FEMA regional officials. The incident period is normally defined during the presidential declaration process; however, it must be noted that an incident period may be open-ended.

If the incident period is established as open-ended at the time of declaration, FEMA will consult with the STT to determine the end of the incident period. A memo is provided from the federal coordinating officer through the FEMA regional administrator indicating the date of closure.

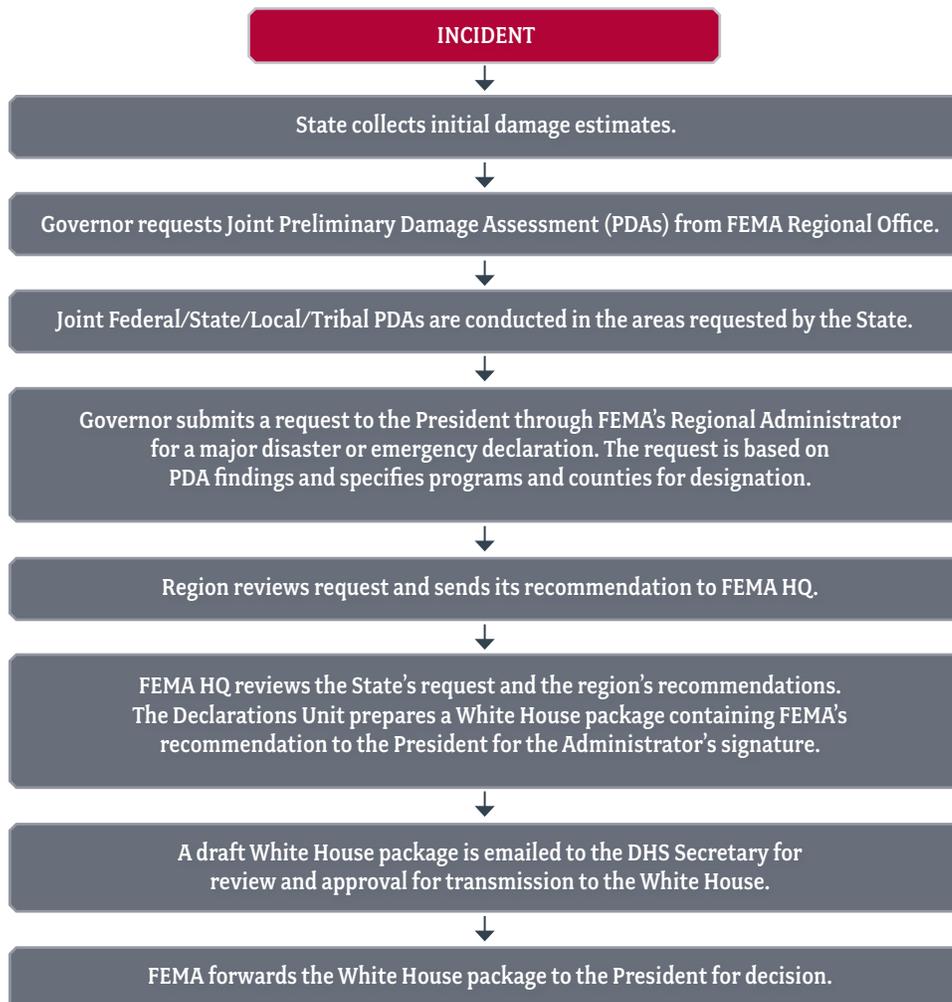
Although rare, a closed incident period may be reopened, but only at the specific request of the governor with sufficient justification. The federal coordinating officer (FCO) will base his or her recommendation on sufficient justification and determination that the incident period is an ongoing event. For example, official NWS information showing a continued pattern of storms and flooding over a period of days and weeks may be determined to be inclusive in one incident period.

### Common Mistakes Made When Requesting a Presidential Declaration

#### Failure to:

- Route the request through the FEMA regional office.
- Certify that the severity and magnitude of the disaster exceed state and local capabilities.
- Certify cost-share provisions.
- Confirm state emergency plan execution.
- Name specific programs or types of assistance needed.
- Name specific areas that are being requested by the governor.

### FEMA Disaster Declaration Process Flow Chart<sup>iv</sup>



**MOCK GOVERNOR'S REQUEST  
MAJOR DISASTER**

**October 9, 2019**

The Honorable  
President of the United States  
The White House  
Washington, D. C.

Through:       Regional Administrator  
                  FEMA Region 100  
                  Unites States of America

Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR § 206.36, I request that you declare a major disaster for the State of Nema as a result of severe thunderstorms, extremely high winds, flooding, hail, landslides, mudslides, and tornadoes during the period of September 30, 2018, and continuing. The high winds associated with the series of severe storm systems downed numerous trees and power lines resulting in widespread power outages in numerous areas in the western and central portions of the State.

In response to the situation, I have taken appropriate action under State law and directed the execution of the State Emergency Plan and declared a State of Emergency for the entire State on September 30, 2018, in accordance with Section 401 of the Stafford Act.<sup>1</sup>

The State of Nema has developed a Hazard Mitigation plan that was approved by the Federal Emergency Management Agency (FEMA) in November 2017. The plan has been updated and approved by FEMA in November 2017. This disaster provides an opportunity to implement Hazard Mitigation projects that will reduce the impact of future disasters of this nature.

On October 8, 2018, I requested a joint Federal, State, and local survey of the damaged areas. Preliminary assessments indicated the most severe impacts were to private and public property including homes, access bridges across small streams, businesses, highways, schools, water systems, and waste water treatment plants.

Road damage is extensive. U.S. Route 66, the main road through the impacted areas, is barely passable and has sustained extensive damage. Traffic flow has been severely impeded or has been re-routed. A three-mile detour has been set to reduce traffic congestion, which is creating lengthy delays for school buses and emergency response vehicles.

The National Weather Service began issuing severe thunderstorm warnings in the early morning hours of September 30, 2018 and had confirmed that the severe storms spawned an EF-2 tornado in the City

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<sup>1</sup> Execution of the State's emergency plan is a prerequisite to major disaster assistance.

of Hope with wind speeds estimated at 120 miles per hour. The deadly tornado made its 20-mile track through the State, leaving a trail of damage and destruction in its wake. The NWS further reports that up to 12 inches of rain fell in a 24-hour period on September 20, 2018, with the greatest amounts of rain falling during the morning hours. Woody and vegetative debris has been strewn throughout the impacted areas across roadways, in ditches, and on private property. The East Fork River and Embarrass Rivers in Richland County and the Way High River in Allen County reached flood stage on October 1, 2018. Numerous streams, creeks, and tributaries along the rivers are continuing to flood. The NWS forecast calls for more severe storms and heavy rainfall for the next two to three days. The torrential rainfall quickly led to serious flooding conditions, creating traffic accidents and damaging or completely washing out numerous roads and bridges, creating lengthy detours for motorists and emergency response vehicles. Numerous areas across the State have received heavy rainfall since the end of September, continuing up to the most recent storm system. The combination of the most recent heavy rainfall on previously saturated ground combined with the topography and geology of the terrain, quickly led to mudslides and landslides in the mountainous and rural areas of the State. Ten deaths and five injuries were directly related to the tornado in the City of Hope.

I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that supplementary Federal assistance is necessary. I am specifically requesting Individual Assistance (including the Individuals and Households Program Disaster Unemployment Assistance, Crisis Counseling); and Small Business Administration Disaster Loans for Allen, Brown, Carr, Clark, Grant, and Richland Counties; Public Assistance for Allen, Brown, Decatur, Elgin, and Perkins Counties; and Hazard Mitigation statewide.

Preliminary estimates of the types and amount of assistance needed under the Stafford Act are tabulated in Enclosures A and B. Estimated requirements for assistance from certain Federal agencies under other statutory authorities are tabulated in Enclosure C.

The following information is furnished on the nature and amount of State and local resources that have been or will be used to alleviate the conditions of this disaster:

The State Emergency Operations Center (EOC) was activated on September 30, 2018 and remained opened throughout the event to coordinate the immediate response to the disaster. The Nema Emergency Management Agency immediately assigned disaster response staff to the impacted disaster area to assist local officials. The Nema Department of Transportation provided surveillance of transportation systems throughout the affected region, reporting closures and restrictions to the State EOC. The Nema State Police provided law enforcement assistance, traffic control, rescue assistance, and intelligence throughout the affected areas. The Nema Department of Natural Resources provided law enforcement assistance, traffic control, water rescue and monitoring of flooding throughout the State. The Department also provided dam safety engineering expertise at dam sites. The Nema Conservation Agency is clearing stream blockage in order to reduce additional flooding. The Nema National Guard has deployed its emergency response vehicles to evacuate stranded residents and to transport supplies, food, and water to isolated people.

The American Red Cross (ARC) and the Salvation Army responded to provide immediate needs to individuals and families. Local governments and the ARC have opened 5 shelters in the affected areas, with 100 individuals staying in the shelters. While more than 1,500 people were evacuated, very few stayed in the shelters but rather chose to stay with family, friends, or neighbors.

Richland County has a disability rate of 42.2 percent, in comparison to the national average of 12.3 percent. Families below poverty level constitute 17.6 percent of the population in Clark County, with 18 percent being elderly residents.

I certify that for this major disaster, the State and local governments will assume all applicable non-Federal share of costs required by the Stafford Act. Total expenditures are expected to exceed \$3,877,876, in accordance with the table in Enclosure D.<sup>2</sup>

I request direct Federal assistance for work and services to save lives and protect property, including the need for emergency generators for critical facilities, sheltering supplies, food, potable water, sand bags, plastic sheeting, medical teams, pumps and assistance in swift water rescue operations.

In accordance with 44 CFR § 206.208, the State of Nema agrees that it will, with respect to direct Federal assistance:

1. Provide without cost to the United States all lands, easements and rights-of-way necessary to accomplish the approved work;
2. Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work;
3. Provide reimbursement to FEMA for the non-Federal share of the cost of such work in accordance with the provisions of the FEMA-State Agreement; and
4. Assist the performing Federal agency in all support and local jurisdictional matters.

In addition, I anticipate the need for debris removal, which poses an immediate threat to lives, public health, and safety.

Pursuant to Sections 403 and 407 of the Stafford Act, 42 U.S.C. §§ 5170b and 5173, the State agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

I have designated Ms. Angela Smith as the State Coordinating Officer for this request. She will work with the Federal Emergency Management Agency in damage assessments and may provide further information or justification on my behalf.

Sincerely,  
Governor All Good

Enclosures<sup>v</sup>

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<sup>2</sup> The certification to cost share must be included; otherwise the processing of the request may be delayed until the Governor has provided the certification.



10. Joint Preliminary Damage Assessment\*

Individual Assistance    Dates Performed    **Requested** \_\_\_\_\_    **Start** \_\_\_\_\_    **End** \_\_\_\_\_

Individual Assistance Accessibility Problems (Areas that could not be accessed, and why)

Public Assistance    Dates Performed    **Requested** \_\_\_\_\_    **Start** \_\_\_\_\_    **End** \_\_\_\_\_

Public Assistance Accessibility Problems (Areas that could not be accessed, and why)

11. Programs and Areas Requested

Individual Assistance  N/A     Individuals and Households Program     Crisis Counseling Program     Disaster Unemployment Assistance

All     Disaster Case Management     Disaster Legal Services     Small Business Administration (SBA) Disaster Assistance

For the following jurisdictions, specify programs and areas (counties, parishes, independent cities; for Indian tribal government, list tribe(s) and/or tribal area(s)) If additional space is needed, please enclose additional documentation).

For States, identify Federally-recognized Tribes in the requested counties (if applicable).

Please see **Enclosure A: Supplemental Information for Individual Assistance** for additional information in support of this request\*.

*\*Not Required for Emergency Declaration Request*

11. Programs and Areas Requested (Continued)	
Public Assistance <input type="checkbox"/> N/A <input type="checkbox"/> Debris Removal (Category A) <input type="checkbox"/> Emergency Protective Measures (Category B) <input type="checkbox"/>	Permanent Work (Categories C-G)* <input type="checkbox"/> (not available for Emergency Declaration Requests)
For the following jurisdictions, specify programs and areas (counties, parishes, independent cities; for Indian tribal government, list tribe(s) and/or tribal area(s)). If additional space is needed or your request includes different categories of work for different jurisdictions; please enclose additional documentation.	
For States, identify Federally-recognized Tribes included in the requested counties (if applicable).	
Please see <b>Enclosure B: Supplemental Information for Public Assistance</b> for additional information in support of this request*.	
<b>Indemnification for Debris Removal Activity</b>	
<input type="checkbox"/> I do not anticipate the need for debris removal.  <input type="checkbox"/> I anticipate the need for debris removal, which poses an immediate threat to lives, public health and safety. Pursuant to Sections 403 and 407 of the Stafford Act, 42 U.S.C. §§ 5170b & 5173, the State or Indian tribal government agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State or Indian tribal government agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.	
<b>Request for Direct Federal Assistance</b>	
<input type="checkbox"/> I do not request direct Federal assistance at this time.  <input type="checkbox"/> I request direct Federal assistance for work and services to save lives and protect property, and:	
a. I request the following type(s) of assistance:	
b. List of reasons why State and local or Indian tribal government cannot perform, or contract for, required work and services.	
c. In accordance with 44 C.F.R. § 206.208, the State or Indian tribal government agrees that it will, with respect to direct Federal assistance: (1) Provide without cost to the United States all lands, easements, and rights-of-ways necessary to accomplish the approved work; (2) Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work; (3) Provide reimbursement to FEMA for the non-Federal share of the cost of such work in accordance with the provisions of the FEMA-State or FEMA-Tribe Agreement ; and (4) Assist the performing Federal agency in all support and local jurisdictional matters.	
<b>Request for Snow Assistance</b>	
<input type="checkbox"/> N/A <input type="checkbox"/> I request snow assistance.	
Snow assistance for the following jurisdictions (Specify counties, independent cities or tribes and/or tribal areas).	
Please see <b>Enclosure D: Historic and Current Snowfall Data</b> for additional information in support of this request*.	
*Not Required for Emergency Declaration Request	

11. Programs and Areas Requested (Continued)	
Hazard Mitigation* <input type="checkbox"/> Statewide	<b>OR</b>
For the following specific counties, parishes, independent cities or tribes and/or tribal areas.	
12. Mitigation Plan Information*	
a. Mitigation Plan Expiration Date _____	b. Type of Plan <input type="checkbox"/> Enhanced <input type="checkbox"/> Standard
13. Other Federal Agency Programs	
<input type="checkbox"/> I do not anticipate requirements from Other Federal Agencies	<input type="checkbox"/> I do anticipate requirements from Other Federal Agencies
Please see <b>Enclosure C</b> : Requirements for Other Federal Agency Programs for additional information in support of this request*.	
14. Findings and Certifications	
<input type="checkbox"/> I certify the following: a. I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local government or Indian tribal government and that supplementary federal assistance is necessary. b. In response to this incident, I have taken appropriate action under State or tribal law and have directed the execution of the State or Tribal Emergency Plan on _____ in accordance with the Stafford Act. c. The State and local governments, or Indian tribal government will assume all applicable non-Federal share of costs required by the Stafford Act.	
15. List of Enclosures and Supporting Documentation	
<input type="checkbox"/> Cover Letter	<input type="checkbox"/> Enclosure A (Individual Assistance)*
<input type="checkbox"/> Enclosure C (Requirements for Other Federal Agency Programs)	<input type="checkbox"/> Enclosure B (Public Assistance)*
<input type="checkbox"/> Additional Supporting Documentation _____	<input type="checkbox"/> Enclosure D (Historic and Current Snowfall Data)
	
_____	_____
Governor's or Tribal Chief Executive's Signature	Date
If anyone except the Governor or Tribal Chief Executive signs this document, please provide the documentation that establishes that this individual has the legal authority to act on behalf of the Governor or Tribal Chief Executive.	
*Not Required for Emergency Declaration Request	

## F-4. Federal Disaster Assistance Programs

**Note: Not all programs are activated for every disaster. The determination of which programs are activated is based on the needs found during damage assessment and any subsequent information that may be discovered.**

FEMA disaster assistance falls into three general categories:

- **Individual Assistance** — aid to individuals and households;
- **Public Assistance** — aid to public (and certain private nonprofit) entities for certain emergency services and the repair or replacement of disaster damaged public facilities;
- **Hazard Mitigation Assistance** — funding for measures designed to reduce future losses to public and private property. Some declarations will provide only individual assistance or only public assistance. Hazard mitigation opportunities are assessed in most situations.

**A summary overview of each of these programs follows.**

**Individual Assistance** – For additional information, please see the FEMA Individual Assistance Program and Policy Guide (IAPPG)

**Individuals and Households Program (IHP)** – The Individuals and Households Program (IHP) is a combined FEMA and state program. When a major disaster occurs, this program provides money and services to people in the declared area whose property has been damaged or destroyed and whose losses are not covered by insurance or the Small Business Administration Disaster Loan Program. In every case the disaster survivor must register for assistance and establish eligibility. Homeowners and renters who are United States citizens, non-citizen nationals, or qualified aliens affected by the disaster are eligible to apply for assistance. The online website to apply is [www.disasterassistance.gov](http://www.disasterassistance.gov). The toll-free telephone registration/helpline number is 1-800-621-FEMA/or 3362 (or TTY 1-800-462-7585 for the hearing or speech impaired). FEMA (or the providing agency) will verify eligibility and need before assistance is offered.

### What Types of Assistance Are Provided?

**IHP** – Housing assistance provides financial assistance and/or direct services for disaster damage to a disaster survivor's primary residence. Individuals and households may receive more than one type of housing assistance. Types of financial housing assistance available through IHP:

**Rental Assistance** – homeowners and renters receive funds to rent alternate housing while repairs are being made to the pre-disaster primary residence or while transitioning to permanent housing.

**Lodging Expense Reimbursement** – reimbursement for hotels, motels, or other short-term lodging while an individual or household is displaced from their primary residence.

**Repair Assistance** – homeowners receive financial assistance to repair disaster-related damage to their owner-occupied primary residence. The goal is to make the damaged home safe and sanitary.

**Replacement Assistance** – under rare conditions homeowners receive limited funds to help replace their owner-occupied primary residence when the residence is destroyed.

### Types of direct housing assistance available through the IHP:

FEMA may provide direct housing services to eligible applicants when disaster survivors are unable to use Rental Assistance due to a lack of available housing resources. The state/tribe/territory must request direct assistance and FEMA must approve this assistance prior to implementation. Direct housing assistance is not counted toward the IHP maximum award amount.)

**Temporary Housing Units (THUs)** – a readily fabricated and transportable dwelling, i.e., recreational vehicle (RV) or manufactured housing unit (MHU), purchased or leased by FEMA and provided to eligible applicants for use as temporary housing for a limited amount of time.

**Multi-Family Lease and Repair (MLR)** – this program allows FEMA to enter into lease agreements with owners of multi-family rental property located in disaster areas and make repairs or improvements in order to provide temporary housing to disaster survivors.

**Permanent Housing Construction** – homeowners and renters receive direct assistance or a grant for the construction of a new home. This type of assistance occurs only in very unusual situations, in insular areas or remote locations specified by FEMA where no other type of housing is possible.

The NEMA Response and Recovery Committee developed a Disaster Housing Guide for state directors and it's available at [www.nemaweb.org](http://www.nemaweb.org).

**IHP - Other Needs Assistance (ONA)** – applicants may receive grants for necessary other disaster-caused expenses and serious needs. This includes personal property, transportation, moving and storage, medical, dental, funeral, child care assistance and other expenses that FEMA approves. The individual/household may need to apply for an SBA disaster loan before receiving assistance for personal property, transportation, or moving and storage expenses.

**Small Business Administration (SBA) Disaster Loans** – The SBA can make federally subsidized loans to repair or replace homes, personal property or businesses that sustained damages not covered by insurance. The SBA can provide three types of disaster loans to qualified homeowners and businesses:

1. Home disaster loans to homeowners and renters to repair or replace disaster-related damages to home or personal property;
2. Business physical disaster loans to business owners to repair or replace disaster-damaged property, including inventory, and supplies; and
3. Economic injury disaster loans, which provide capital to small businesses and to small agricultural cooperatives to assist them through the disaster recovery period.

For many individuals, the SBA disaster loan program is the primary form of disaster assistance.

**Disaster Unemployment Assistance (DUA)** – The DUA Program provides unemployment benefits and reemployment services to individuals who have become unemployed because of major disasters. Benefits begin with the date the individual was unemployed due to the disaster incident and can extend up to 26 weeks after the presidential declaration date. These benefits are made available to individuals not covered by other unemployment compensation programs, such as self-employed, farmers, migrant and seasonal workers, and those who have insufficient quarters to qualify for other unemployment compensation. All unemployed individuals must register with the state's employment services office before they can receive DUA benefits. Although most states have a provision that an individual must be able and available to accept employment opportunities comparable to the employment the individual held before the disaster, not all states require that an individual search for work.

**Legal Services** – When the president declares a disaster, FEMA, through an agreement with the Young Lawyers Division of the American Bar Association, provides free legal assistance to disaster victims. Legal advice is limited to cases that will not produce a fee (i.e., these attorneys work pro bono). Cases that may generate a fee are turned over to the local lawyer referral service. The assistance that participating lawyers provide typically includes:

1. Assistance with insurance claims (life, medical, property, etc.).
2. Counseling on landlord/tenant problem.
3. Assisting in consumer protection matters, remedies, and procedures.
4. Replacement of wills and other important legal documents destroyed in a major disaster.

Disaster legal services are provided to low-income individuals who, prior to or because of the disaster, are unable to secure legal services adequate to meet their needs as a consequence of a major disaster.

**Special Tax Considerations** – Taxpayers who have sustained a casualty loss from a declared disaster may deduct that loss on the federal income tax return for the year in which the casualty occurred or elect to deduct the loss on the tax return for the preceding tax year. In order to deduct a casualty loss, the amount of the loss must exceed 10 percent of the adjusted gross income for the tax year and by at least \$100. If the loss was sustained from a federally declared disaster, the taxpayer may choose which of those two tax years provides the better tax advantage.

The Internal Revenue Service (IRS) can expedite refunds due to taxpayers in a federally declared disaster area. An expedited refund can be a relatively quick source of cash, does not need to be repaid, and does not need an individual assistance declaration. It is available to any taxpayer in a federally declared disaster area.

**Crisis Counseling** – The Crisis Counseling Assistance and Training Program (CCP), authorized by §416 of the Stafford Act, is designed to provide supplemental funding to states for short-term crisis counseling services to people affected in presidentially declared disasters. There are two separate portions of the CCP that can be funded: immediate services and regular services. A state may request either or both types of funding. The immediate services program is intended to enable the state or local agency to respond to the immediate mental health needs with screening, diagnostic, and counseling techniques as well as such outreach services as public information and community networking. The regular services program is designed to provide up to nine months of crisis counseling, community outreach, and consultation and education services to people affected by a presidentially declared disaster. Funding for this program is separate from the immediate services grant. To be eligible for crisis counseling services funded by this program, the person must be a resident of the designated area or must have been located in the area at the time the disaster occurred. The person must also have a mental health problem that was caused by or aggravated by the disaster or its aftermath, or he or she must benefit from services provided by the program.

**Disaster Case Management (DCM)** – The DCM Program is a federally funded program under Section 426 of the Stafford Act and administered by FEMA in partnership with the U.S. Department of Health and Human Services Administration for Children and Families (ACF). In the event of a presidentially declared disaster that includes Individual Assistance, the governor of the impacted state may request the DCMP through direct federal services and/or a federal grant. The program augments state and local capacity to deliver disaster case management services and provides disaster survivors with a single point of contact to facilitate access to a broad range of case management services and recovery resources.

**Public Assistance (PA)** – For additional information, please see the Public Assistance Program and Policy Guide, FEMA.

Public assistance, oriented to public entities and eligible private non-profit organizations, provides grants to fund the repair, restoration, reconstruction, or replacement of infrastructure that is damaged or destroyed by a disaster. The PA Program also provides reimbursement for emergency protective measures, such as debris operations and response costs.

Eligible applicants include state governments, local governments and any other political subdivision of the state, Native American tribes and Alaska Native villages. Certain private non-profit (PNP) organizations may also receive assistance. Eligible PNPs include educational, utility, irrigation, emergency, medical, rehabilitation, and temporary or permanent custodial care facilities (including those for the aged and disabled) and other PNP facilities that provide essential services of a governmental nature to the general public. PNPs that provide “critical services” (power; water-including water provided by an irrigation organization or facility; sewer; wastewater treatment; communications; and emergency medical care) may apply directly to FEMA for a disaster grant. All other PNPs must first apply to the SBA for a disaster loan. If the PNP is declined for a SBA loan or the loan does not cover all eligible damages, the applicant may reapply for FEMA assistance.

As soon as practicable after the declaration, the state, assisted by FEMA, conducts the applicant briefings for state, local and PNP officials to inform them of the assistance available and how to apply for it. A request for public assistance must be filed with the STT within 30 days after the area is designated eligible for assistance. Following the applicant’s briefing, FEMA holds exploratory calls and Recovery Scoping Meetings where damages and responses costs are discussed, needs assessed, and a plan of action put in place.

A combined federal/state/local team proceeds with project formulation, which is the process of documenting the eligible facility, eligible work, and eligible cost of fixing the damages to every public or PNP facility identified by state or local representatives. This process results in project worksheets (PW).

Damages/costs fall into the following categories:

- Category A: Debris removal
- Category B: Emergency protective measures
- Category C: Road systems and bridges
- Category D: Water control facilities
- Category E: Public buildings and contents
- Category F: Public utilities
- Category G: Parks, recreational, and other

For insurable structures within special flood hazard areas (SFHAs), primarily buildings, assistance from FEMA is reduced by the amount of insurance settlement that could have been obtained under a standard NFIP policy. For structures located outside of an SFHA, FEMA will reduce the amount of eligible assistance by any available insurance proceeds.

FEMA reviews and approves the project worksheets (PWs) and obligates the federal share of the costs (which cannot be less than 75 percent) to the STT. The STT then disburses funds to applicants and oversees grant administration until closeout. Projects falling below a certain threshold are considered “small.” The threshold is adjusted annually for inflation.

For small projects, payment of the federal share of the estimate is made upon approval of the project, and no further accounting to FEMA is required. For large projects, payment is made based on actual costs determined after the project is completed, although interim payments may be made as necessary. Once FEMA obligates funds to the STT, further management of the assistance, including disbursement to applicants, etc., is the responsibility of the STT. FEMA continues to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

According to the NEMA 2018 Biennial Report, seven states pay the entire 25 percent non-federal cost share. An additional seven states split the cost share equally with local governments. The remaining states have other cost share arrangements, such as splitting costs with both local governments and private non-profit organizations.<sup>vi</sup>

## Hazard Mitigation

Hazard mitigation refers to sustained measures enacted to reduce or eliminate long-term risk to people and property from natural hazards and their effects. In the long term, mitigation measures reduce personal loss, save lives, and reduce the cost to the nation of responding to and recovering from disasters.

Two sections of the Stafford Act, §404 and §406, can provide hazard mitigation funds when a federal disaster has been declared. In each case, the federal government can provide up to 75 percent of the cost, with some restrictions.

Through the Hazard Mitigation Grant Program (HMGP), authorized by §404 of the act, communities can apply for mitigation funds through the state. The state, as recipient, is responsible for notifying potential applicants of the availability of funding, defining a project selection process, ranking and prioritizing projects, and forwarding projects to FEMA for funding. The subrecipient carries out approved projects. The state or local government must provide a 25 percent match, which can be fashioned from a combination of cash and in-kind sources. Twenty-three states pay some portion of the 25 percent cost share for the FEMA Hazard Mitigation Program. Six of those states pay the entire 25 percent while other cost-share arrangements are in place at other states.<sup>vii</sup>

Federal funding from other sources cannot be used for the 25 percent non-federal share with one exception. Funding provided to states under the Community Development Block Grant (CDBG) program from the Department of Housing and Urban Development can be used for the non-federal share.

The amount of funding available for the HMGP under a disaster declaration is finite and is limited to 15 percent (for non-enhanced plan approved states) or 20 percent (for enhanced plan approved states) of FEMA/EPR's estimated total disaster costs for all other categories of assistance (less administrative costs).

Section 322 of the Disaster Mitigation Act of 2000 emphasizes the importance of planning in reducing disaster losses. States are required to develop a state mitigation plan that provides a summary of the hazards facing them, an assessment of the risks and vulnerabilities to those hazards, and a strategy for reducing those impacts. These plans are required as a condition of non-emergency assistance under the Stafford Act and must be reviewed and updated every five years. States may choose to develop an enhanced state mitigation plan in order to receive an increased amount of 20 percent for Hazard Mitigation Grant Program funding.

Local jurisdictions also must develop mitigation plans in order to be eligible for project grant funding under the Hazard Mitigation Grant Program.

States may use a set-aside of up to five percent of the total HMGP funds available for mitigation measures at their discretion. To be eligible, a set-aside project must be identified in a state's hazard mitigation plan and fulfill the goal of the HMGP, that is, to reduce or prevent future damage to property or prevent loss of life or injury.

Eligible mitigation measures under the HMGP include acquisition or relocation of property located in high-hazard areas, elevation of flood-prone structures, seismic rehabilitation of existing structures, strengthening of existing structures against wildfire, and dry flood-proofing activities that bring a structure into compliance with minimum NFIP requirements and state or local code.

Up to seven percent of the HMGP funds may be used to develop state and/or local mitigation plans. All HMGP projects, including set-aside projects, must comply with the National Environmental Policy Act and all relevant executive orders. HMGP grants cannot be given for acquisition, elevation, or construction purposes if the site is located in a designated SFHA and the community is not participating in the NFIP.

FEMA's primary emphasis for HMGP funds, where appropriate, is the acquisition and demolition, relocation, elevation, or flood-proofing of flood-damaged or flood-prone properties (non-structural measures).

- **Acquisition and demolition:** Under this approach, the community purchases the flood-damaged property and demolishes the structure. The property owner uses the proceeds of the sale to purchase replacement housing on the open market. The local government assumes title to the acquired property and maintains the land as open space in perpetuity.
- **Relocation:** In some cases, it may be viable to physically move a structure to a new location. Relocated structures must be placed on a site located outside the 100-year floodplain, outside any regulatory erosion zones, and in conformance with any other applicable state or local land use regulations.
- **Elevation/Flood-proofing:** Depending upon the nature of the flood threat, elevating a structure or incorporating other flood-proofing techniques to meet NFIP criteria may be the most practical approach to flood damage reduction. Flood-proofing techniques may be applied to commercial properties only; residential structures must be elevated. Communities can apply for funding to provide grants to property owners to cover the increased construction costs incurred in elevating or flood-proofing the structure.

Funding under §406 that is used for the repair or replacement of damaged public facilities or infrastructure may be used to upgrade the facilities to meet current codes and standards. It is possible for mitigation measures to be eligible for funding under both the HMGP and §406 programs; however, and although there cannot be duplication of funding between the two, funding from both can be combined to address the same project.

The above information is not intended to be an exhaustive list of disaster recovery assistance programs. Directors would be well served to consult with all stakeholder agencies and organizations, public and private, to ascertain the types of assistance that may be made available. Often, the private sector and certain non-governmental organizations provide opportunities for recovery assistance in addition to those opportunities provided by local, state, tribal and federal governments. Every effort

should be made to ensure these programs complement, rather than compete, in the type and manner by which they provide assistance.

The FEMA Declaration Process Fact Sheet can be found at: [www.fema.gov/news-release/2018/06/13/4366/fact-sheet-declaration-process/current-fema](http://www.fema.gov/news-release/2018/06/13/4366/fact-sheet-declaration-process/current-fema).

### Request to Adjust Federal Cost Share

- Federal funds for public assistance may be increased to 90 percent whenever a declared disaster is so extraordinary that actual federal obligations meet or exceed the established statewide per capita threshold.
- If warranted by the needs of the disaster, FEMA may recommend up to 100 percent federal funding for emergency work for a limited time period in the initial days of the event, regardless of the per capita impact.
- The request must be made by the governor and addressed to the president through the regional administrator.

Reference: 44 CFR § 206.47

## DisasterAssistance.gov

Disaster survivors can register for help online at **DisasterAssistance.gov** following all presidentially declared disasters that have been designated for individual assistance. According to FEMA, 17 federal agencies contribute to the portal, which offers applications for, or information about, almost 70 forms of assistance as well as information on local resources. The portal is a result of Executive Order 134511, which requires the federal government to simplify the process of identifying and applying for disaster assistance.

**Apply for Disaster Assistance**  
Internet or Smartphone Application. Disaster survivors may apply for the Individuals and Households Program or check their application status at [www.DisasterAssistance.gov](http://www.DisasterAssistance.gov). Disaster survivors may also access FEMA via smartphone by downloading the application from [www.fema.gov](http://www.fema.gov) or through their mobile provider's application store.  
**By Phone:** Disaster survivors may call FEMA toll-free at 800-621-3362 to register for assistance or check their application status. Disaster survivors who are deaf, hard of hearing, or have a speech disability and use a Text Telephone (TTY) may call 800-462-7580. Disaster survivors who use T11 or VRS (Video Relay Service) may call 800-621-3362.  
**In Person:** Visit a Disaster Recovery Center.  
• For locations, check FEMA's mobile app [www.fema.gov/mobile-app](http://www.fema.gov/mobile-app) or call 1-800-621-3362, or visit [www.DisasterAssistance.gov](http://www.DisasterAssistance.gov).  
• Disaster Survivor Assistance team members may visit door-to-door in your area. They will have official FEMA photo identification.

**WHAT TO DO if YOU DISAGREE with FEMA'S DECISION LETTER**  
YOU HAVE THE RIGHT TO APPEAL FEMA'S ELIGIBILITY DECISIONS INCLUDING THE AMOUNT OF YOUR AWARD.  
**When do I need to submit my appeal?**  
You must submit your appeal within **60 days** of the date on your eligibility notification letter.  
**What do I need to provide?**  
A signed, written explanation outlining why you believe FEMA's decision is incorrect and copies of any documents supporting your appeal, including proof of your disaster losses.  
Your full name, your FEMA Application Number and Disaster Number, your pre-disaster primary residence address, and your current phone number and address should be included on all submitted documents. These numbers are printed on Page 1 of your Decision Letter, above your name and address.  
**Where do I send my appeal?**  
Mail to: FEMA, P.O. Box 10055, Hyattsville, MD 20782-8055  
Or Fax to: 800-827-8112, Attn: FEMA Appeals Officer  
**How long will it take before I know if my appeal is approved or denied?**  
You will receive a decision letter from FEMA within **90 days** of FEMA's receipt of your appeal.  
To check the status of your appeal, or to notify FEMA of any change to your mailing address or contact information, please visit [www.DisasterAssistance.gov](http://www.DisasterAssistance.gov) and select Check Your Application Status, or call FEMA's Helpline at 800-621-FEMA (3362).  
**Who can I call if I have questions about my appeal?**  
Call the FEMA Helpline at 800-621-3362 (voice/T11/VRS). For Spanish, press 2. TTY: 800-621-3362. Or visit [www.DisasterAssistance.gov](http://www.DisasterAssistance.gov).

**Help After a Disaster**  
FEMA Individual Assistance Can Help You Recover  
FEMA B-545/March 2019  
FEMA

### DisasterAssistance.gov helps disaster survivors:

- Find help in Spanish and English during all stages of an emergency.
- Learn about help available from 17 federal agencies.
- Reduce the number of forms to complete.
- Shorten the time it takes to apply for aid.
- Update applications and check progress online.
- Apply online for help from FEMA.

- Be referred to the Small Business Administration for loans.
- Have Social Security benefits sent to a new address.
- Find federal disaster recovery centers near a current address.
- Search a list of housing available for rent.
- Get information about existing federal student loans.
- Get help from the U.S. Department of State if affected by a disaster while living or traveling outside the United States.<sup>viii</sup>

[www.disasterassistance.gov](http://www.disasterassistance.gov)

## F-5. Organization for Recovery

Upon a presidential declaration of major disaster or emergency, the FEMA administrator or deputy administrator shall appoint a federal coordinating officer (FCO). The FCO will initiate action immediately to ensure that federal assistance is provided in accordance with the declaration, applicable laws and regulations.

The FEMA regional administrator or his/her designee will work in the coordination with the governor to execute a FEMA-state agreement. This agreement sets forth the understandings, commitments, terms and conditions by which assistance will be provided. In addition, the FEMA regional administrator shall also designate a disaster recovery manager (DRM) to exercise all the authority of the regional administrator in a major disaster or emergency.



Also contained in the FEMA-state agreement are the governor's designations of the authorized representative (GAR) and the state coordinating officer (SCO). The GAR provides executive oversight and direction of the disaster or emergency on behalf of the governor. The GAR executes all necessary documents on behalf of the state. While each

state's GAR will respond to the desires of the governor, normal activities may include interfacing with the FEMA DRM, activating the appropriate state agencies and departments, executing the governor's emergency authorities, directing the activities of the SCO, and establishing strategic response and recovery strategies. The GAR is responsible for the state compliance with the FEMA-state agreement.

It will be the responsibility of the SCO to interface with the FCO. The SCO provides operational oversight and direction of the disaster or emergency and acts on behalf of the GAR. The SCO implements the GAR's strategic guidance, converting that guidance into tactical plans that are executed on behalf of the state. In addition to interfacing and working in coordination with the FCO, and under the strategic direction of the GAR, SCO activities may include providing specific tasking to state departments and agencies; integrating state, federal and volunteer agencies actions; and coordinating response and recovery operations for the benefit of the state.

The SCO will work in conjunction with the GAR to appoint state disaster program officers, who, depending on the type and scope of the major disaster or emergency declaration, may include the following:

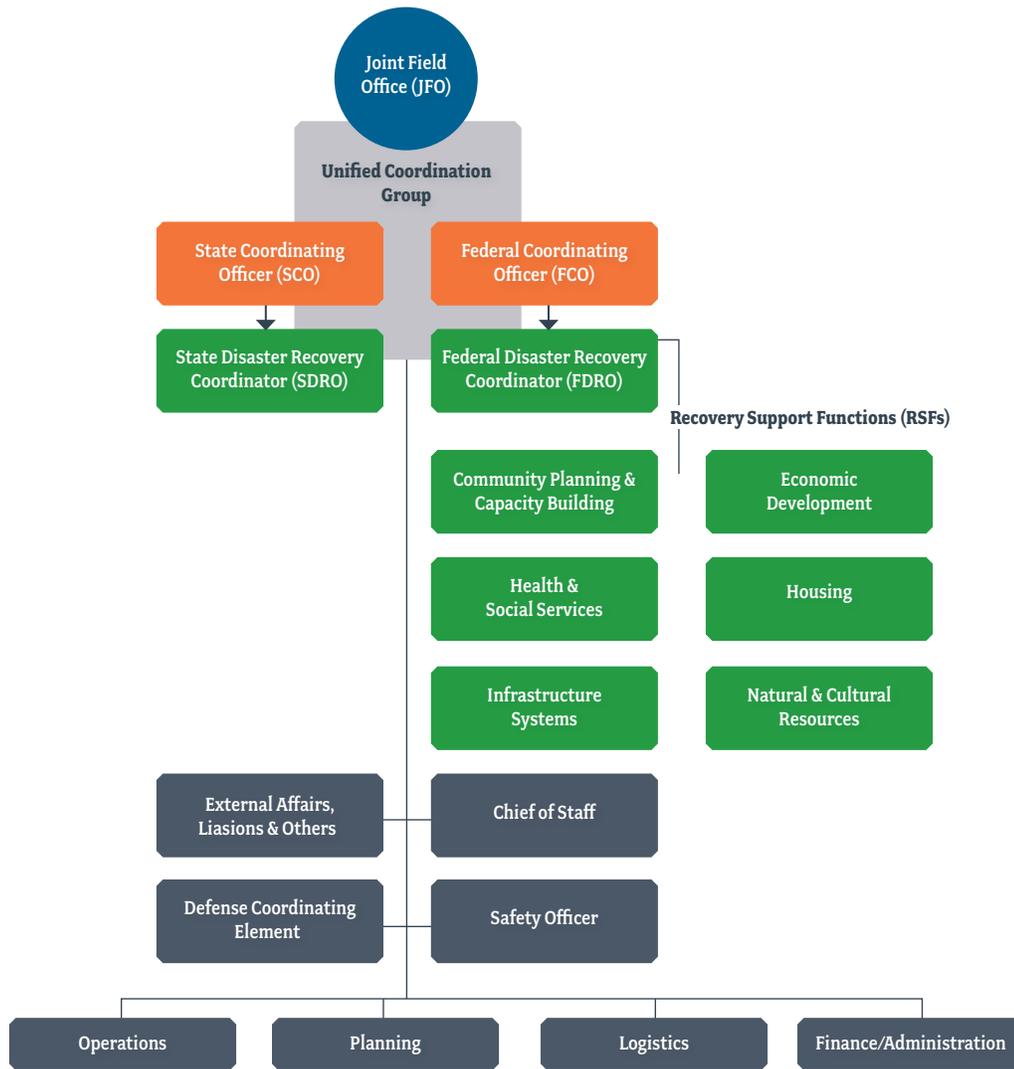
- **Individual assistance officer** – The state official designated to manage Individual and Households Program (IHP) assistance, particularly the Other Needs Assistance program.
- **Public assistance officer** – The state official designated to facilitate and manage assistance programs for the restoration of public and eligible public nonprofit facilities to pre-disaster function and capability.
- **Hazard mitigation officer** – The state official responsible for coordinating the preparation and implementation of the state hazard mitigation plan and Hazard Mitigation Grant Program (HMGP).

These officials are also designated and delineated in the federal-state agreement.

FEMA and the state will also negotiate for the placement and location of disaster recovery facilities which may include a joint field office (JFO) and other such facilities as determined by the DRM, FCO, GAR and SCO.

The NDRF sets out a joint field office (JFO) operational structure that is inclusive of the FCO and SCO functions but also incorporates and is inclusive of a designated state disaster recovery coordinator (SDRC) and federal disaster recovery coordinator (FDRC). This organization also reflects a structure that provides for the implementation of the recovery support functions (RSFs) designated as community planning and capacity building, health and social services, infrastructure systems, economic development, housing, and natural and cultural resources.

## Recovery Functions (FDRC, SDRC, AND RSFs) Within the Joint Field Office Chain of Command



JFO organizational structure for including the newly developed positions of FDRC and SDRC and the six RSFs established within the NDRF

## F-6. Challenges for Long-Term Recovery

**Pre-Disaster Planning: Convincing stakeholders — including government, private sector, and other nongovernmental organizations — to engage in pre-disaster recovery planning can be a daunting task. However, pre-disaster plans can provide a common platform to guide the recovery and redevelopment efforts. Pre-disaster planning done in conjunction with comprehensive community planning that addresses a broad range of issues will help to identify options and changes that need to be considered or implemented after a disaster.**

### These “smart planning” principles may include:

- 1. Collaboration.** Governmental, community and individual stakeholders, including those outside the jurisdiction of the entity, are encouraged to be involved and provide comment during deliberation of planning, zoning, development, and resource management decisions and during implementation of such decisions. The state agency, local government, or other public entity is encouraged to develop and implement a strategy to facilitate such participation.
- 2. Efficiency, transparency, and consistency.** Planning, zoning, development, and resource management should be undertaken to provide efficient, transparent, and consistent outcomes. Individuals, communities, regions, and governmental entities should share in the responsibility to promote the equitable distribution of development benefits and costs.
- 3. Clean, renewable, and efficient energy.** Planning, zoning, development, and resource management should be undertaken to promote clean and renewable energy use and increased energy efficiency.
- 4. Occupational diversity.** Planning, zoning, development, and resource management should promote increased diversity of employment and business opportunities, promote access to education and training, expand entrepreneurial opportunities, and promote the establishment of businesses in locations near existing housing, infrastructure, and transportation.
- 5. Revitalization.** Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure are preferred over new construction in undeveloped areas.
- 6. Housing diversity.** Planning, zoning, development, and resource management should encourage diversity in the types of available housing, support the rehabilitation of existing housing, and promote the location of housing near public transportation and employment centers.
- 7. Community character.** Planning, zoning, development, and resource management should promote activities and development that are consistent with the character and architectural style of the community and should respond to local values regarding the physical character of the community.
- 8. Natural resources and agricultural protection.** Planning, zoning, development, and resource management should emphasize protection, preservation, and restoration of natural resources, agricultural land, and cultural and historic landscapes and should increase the availability of open spaces and recreational facilities.
- 9. Sustainable design.** Planning, zoning, development, and resource management should promote developments, buildings, and infrastructure that utilize sustainable design and construction standards and conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, air, and materials.
- 10. Transportation diversity.** Planning, zoning, development, and resource management should promote expanded transportation options for residents of the community. Consideration should be given to transportation options that maximize mobility, reduce congestion, conserve fuel, and improve air quality.<sup>ix</sup>

### Post-Disaster Planning

Communities impacted by a disaster should develop a process for optimally managing their recovery effort and resources. Post-disaster community recovery planning serves to integrate the range of complex decisions in the context of the disaster and works as the foundation for allocating resources. The planning process provides the benchmark to measure progress toward a successful outcome by the affected community.

All disaster-impacted communities can benefit by engaging in disaster recovery planning and creating plans that are meaningful to and engage multiple audiences and stakeholders, including potential funders, nearby tribal nations, state and federal level agencies, private sector entities and other non-governmental organizations. Key elements of post-disaster recovery planning include:

- Organizing recovery priorities and tasks through the use of a planning process by:
  - Assessing risk
  - Evaluating the conditions and needs after a disaster
  - Setting goals and objectives
  - Identifying opportunities to build in future resilience through mitigation
  - Identifying specific projects in areas of critical importance to the community's overall recovery
- Using a process that is community driven and locally managed, designed to promote local decision-making and ownership of the recovery planning and implementation effort.
- Promoting inclusive and accessible outreach, working collaboratively and through groups of people affiliated by geographic proximity, common interest, or similar situations to address issues affecting the well-being of those people. Public involvement is critical to the recovery plan and process.
- Incorporating considerations that include the concept of “growing smarter” as long-term recovery unfolds. This includes compliance with standards for accessible design and construction.
- Building partnerships among local agencies, jurisdictions, and state, tribal and federal governments.
- Providing well-defined activities and outcomes aimed at achieving recovery within a timeframe and schedule with milestones and measurable success.

Planning for the complex needs of the full community and bringing all stakeholders to a common planning table with a commitment to physical, programmatic and communications accessibility helps create a successful post-disaster recovery process. The greatest challenge of post-disaster recovery planning is the inherent struggle in getting a plan developed quickly enough to meet the needs of residents and businesses. The post-disaster planning process must operate on a much faster timeline than traditional or pre-disaster planning processes. However, one of the basic goals of the process is to develop the relationships and interagency cooperation that will continue to serve the recovery process once the planning is complete.<sup>3</sup>

**Making Stone Soup:** A FEMA FCO once described the comprehensive recovery process as being akin to “making stone soup,” a process in which every stakeholder brings something to the pot and contributes to the flavor of the soup. While each contributes, nobody is really certain of the outcome.

The problem for the emergency manager is to continually discover ways to put the ingredients for recovery together in such a way as to make the product and outcome desirable and palatable to the greater community. Examining and implement-

ing ways that marry FEMA programs with Housing and Urban Development (HUD), Economic Development Authority (EDA) and US Department of Agriculture (USDA) programs, to other federal agency programs with the added flavor of state and local initiatives, in a complementary manner, is often the challenge that emergency management directors face. A director's ability to innovate and select the right ingredient or program in the right amount and in combination and collaboration with others may determine the success or failure of the recovery effort.

**Determining When Recovery Is Over:** Perhaps one of the greatest challenges facing an emergency manager is determining when recovery is over. On the surface this may seem relatively easy to determine but many have learned that recovery, and its success or failure, really is a relative term that lies in the eyes of the beholder.

Some have argued that recovery is completed when the programs end. Certainly, many programs, particularly those administered by local, state, tribal and federal agencies, have a beginning and ending point. Dollars are obligated, de-obligated and re-obligated against defined projects designed to get the community back on its feet. Programs are not designed to make individuals, households, businesses or government whole, and, many would argue, are not always enough to restore the community to pre-disaster condition, let alone provide a means for community improvement and increased resiliency.

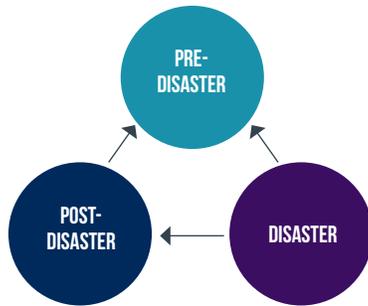
Others have argued that recovery is achieved when the community has re-established its tax base. Arguably, tax base is an accurate indicator of overall recovery. However, this measure does not address the very localized issues of specifically “who” or “what” has recovered. While new business may replace old business lost in a disaster, and new individuals and families may replace those displaced by a disaster event, clearly in many cases there are measurable winners and losers. In these cases, it may be the individual, family, or business that provides the truest measure of recovery effectiveness.

Emergency management directors may also find that stakeholders in the recovery process may not have complementary agendas or shared objectives for disaster recovery. For some, recovery is an opportunity to address social and economic issues that may have been present pre-disaster but may have been further exacerbated by the disaster event. The perspective on how the recovery efforts have successfully, or not successfully, addressed these issues make recovery effectiveness a relative term.

The determination of “when recovery has ended” seems the easiest to determine when recovery objectives are determined as part of the processes of pre-disaster and post-disaster recovery planning. The more a community can define its recovery objectives as well as the metrics for measuring success, the easier it is to determine when recovery has ended.

**Defining Recovery as a Cyclical Rather Than Linear Process:** If we begin to understand the cycle of recovery and define it as an ongoing process of pre-disaster, disaster, and post-disaster planning that is intertwined with comprehensive and smart planning principles, the question of when recovery begins and ends becomes a moot point. Recovery may then be defined as part of the process of ensuring and strengthening community resiliency and increased capacity to deal with any disaster, regardless of the cause or severity.

## Recovery Cycle



In the continuing effort to improve and strengthen recovery capacity and capability, state emergency management directors should continually examine and learn from their peers and other stakeholders who have engaged the recovery processes. Information can be attained by request, and information is available through such organizations as the National Governors Association, American Planning Association, National League of Cities and National Association of Counties. Information is also available through the U.S. Conference of Mayors, U.S. Chamber of Commerce and the DHS/FEMA Lessons Learned Information Sharing (LLIS) system.

i. Excerpts from National Disaster Recovery Framework Draft, Federal Emergency Management Agency, February 5, 2010.

ii. 44 CFR Chapter 1, Sections 206.35 and 206.36.

iii. 44 CFR, Chapter 1, Section 206.48.

iv. FEMA Disaster Declaration Process Flow Chart, Federal Emergency Management Agency, FEMA/NEMA Disaster Declaration workshop, October 2018.

v. Governor's Mock Request Major Disaster, Federal Emergency Management Agency, October 2018.

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# SECTION G.

## MUTUAL AID AND THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT (EMAC)



Emergency Management Assistance Compact

### **G-1. The Emergency Management Assistance Compact**

EMAC, the Emergency Management Assistance Compact, is a nationally enacted all hazards mutual aid compact that is implemented by the state emergency management agencies for a coordinated and efficient response. Through EMAC states can share any resource with one another as long as there is a state of emergency or disaster declared by the governor of the affected state.

#### **EMAC's Mission**

The nation's preeminent interstate mutual aid system providing requested resources efficiently and effectively to states in support of saving lives, protecting property and damage to the environment, meeting human needs, and minimizing the economic impact on states as we respond to, and recover from disasters.

#### **EMAC Membership**

EMAC was ratified in October 1996 as Public Law 104-321. Currently, all 50 states, Puerto Rico, the District of Columbia, U.S. Virgin Islands, and Guam have enacted EMAC as law.

***Since 2011, over 34,000 state and local personnel have been deployed through EMAC in an overwhelming show of unity and sacrifice to save lives and minimize damage to property.***

## How EMAC Helps Your State

- Establishes a firm legal foundation for resource sharing across state lines.
- Helps to pre-identify all intrastate resources for possible EMAC deployment.
- Provides a responsive and straightforward all hazards and all disciplines mutual aid system for the sharing of resources across state lines.
- Coordinates personnel and resources through a system managed by state emergency management agencies (resources do not self-deploy).
- Maximizes the use of all available EMAC Member resources from across the nation.
- Provides mutual aid assistance when federal support is not warranted or available.
- Works in harmony with the National Response Framework.
- Leverages federal dollars invested in state and local capabilities by using them in all-hazards response across state lines.
- Provides for continuous improvements through after-action reports, lessons learned and implementation of best practices.

## EMAC is Not Intended To

- Replace the need for federal support.
- Permit the use of National Guard resources for military purposes.
- Hoard/stockpile/prioritize/allocate resources.
- Rely solely upon federal disaster assistance program funds to reimburse Assisting States.

## EMAC Is Law in Your State

It is critically important you understand the thirteen articles of EMAC law, as they are the legal basis of how EMAC works between member states.

We encourage you to review your state law side-by-side with Public Law 104-321 (found on the EMAC website under Learn About EMAC: EMAC Legislation) to ensure no changes have been made over time to your state law that could create issues when implementing the Compact.

Below we've provided summaries of the EMAC articles to help you understand your responsibilities. To learn more about each of the articles, please visit the EMAC website [www.emacweb.org](http://www.emacweb.org).

### Article 1: Purpose & Authorities

- The term 'states' means the states, the Commonwealth of Puerto Rico, the District of Columbia, and all U. S. territorial possessions are all eligible to join EMAC.

- EMAC is an all hazards compact which includes all disciplines and the National Guard.
- The Governor of the Requesting State must declare an emergency or disaster before they can receive resources through EMAC.
- EMAC can be utilized during an exercise without a declaration of emergency or disaster.

### Article 2: General Implementation

- States are responsible for developing mechanisms (intrastate legislation, memorandums of agreement or understanding, intergovernmental agreements or contractual agreements) to enable the deployment of local resources as agents of the state through EMAC.
- Identifies the state director of emergency management as responsible for implementing EMAC on behalf of their governor.
- Identifies the state director of emergency management as responsible for making sure their state has plans and procedures to implement EMAC.

### Article 3: Party State Responsibilities

- Develop plans and procedures as both a Requesting and Assisting State to include local jurisdictions.
- Include reimbursement procedures in plans as both a Requesting and Assisting State.
- Review state hazards analyses and work with other states to develop plans for the sharing of resources through EMAC
- Inventory mutual aid resources for the purposes of planning.
- Identify statutes or ordinances that may need to be temporarily suspended.
- Appoint a sufficient number of EMAC Authorized Representatives to implement EMAC as both a Requesting and Assisting State (approve requests, offers, approve/decline offers, sign RSA Section 1, sign RSA Section 2). Appoint a sufficient number of EMAC Authorized Representatives to implement EMAC as both a Requesting and Assisting State (approve requests, offers, approve/decline offers, sign RSA Section 1, sign RSA Section 2).

***As the state director, you are responsible for assigning EMAC responsibilities within your agency – from educating and exercising with locals to processing reimbursement packages in a timely manner.***

#### **Article 4: Limitations**

*EMAC allows EMAC Authorized Representatives to share resources through verbal agreement for a period of 30 days prior to confirming it in writing ensuring there are no delays in the receipt of needed resources.*

- States may withhold resources if they are needed in the home state.
- Deployed personnel operate under the same authority in the Requesting State as they do in the Assisting State.
- Law enforcement officers must be sworn in upon arrival in the Requesting State to have use of force and power of arrest.
- Deployed Personnel are under the command and control of their home state while on an EMAC deployment but under the operational control of the Requesting State.
- A declaration of emergency or disaster is not needed to train or exercise EMAC.

***Make sure before you have a disaster you know who in your state has authority to swear in law enforcement officers so there are no delays.***

#### **Article 5: License & Permits**

- A state issued license, certificate or permit is considered licensed, certified and permitted in the Requesting State.
- A Governor executive order may alter limitations or conditions of licenses, permits, certificates

#### **Article 6: Liability**

*A state licensing board cannot limit the acceptance of an EMAC license. Job titles and skills may not align between states. An individual can't practice above their skill level.*

When acting in good faith Deployed Personnel will be considered agents of the Requesting State for tort liability and immunity purposes.

#### **Article 7: Supplemental Agreements**

You can enter into supplementary agreements and use them in conjunction with EMAC.

*Supplemental agreements include enabling mechanisms that allow states to deploy local and volunteer resources through EMAC. Other supplemental agreements may accelerate the use of EMAC by triggering auto-deployment of resources through EMAC for agreements signed by the EMAC Authorized Representatives.*

#### **Article 8: Compensation**

The home state (Assisting State) is responsible for providing workers compensation and death benefits in the same manner and on the same terms if the injury occurred within their own state.

*States must ensure local jurisdictions who deploy through EMAC are afforded workers compensation benefits in compliance with the law.*

#### **Article 9: Reimbursement**

- Travel costs, personnel (regular, fringe benefits), commodity, equipment, and other costs may be eligible for reimbursement if they are mission related and documented.
- Damage to equipment is eligible for reimbursement.
- The state may donate services or not charge for part or all of an EMAC mission.
- Workers compensation benefits cannot be reimbursed.
- States may enter into a supplementary agreement to establish different cost allocations.

*All eligible costs must be mission related and documented. You are responsible for developing procedures for the timely processing of reimbursement packages as both a Requesting and Assisting State.*

*Even if you do not receive a federal declaration and funding through FEMA Public Assistance, you are responsible for reimbursing Assisting States.*

#### **Article 10: Evacuation**

- EMAC can be used to plan and carry out orderly evacuations, reception and repatriation of civilian populations.
- Expenses can include transporting evacuees, food, clothing, housing, medical care, registration, notification of families/relatives, transporting evacuees to other areas, transportation of materials, supplies or other items needed.

#### **Article 11: Implementation**

You can withdraw from EMAC by repealing EMAC law.

#### **Article 12: Validity**

If any provision of this compact is declared unconstitutional the remainder of the compact shall not be affected.

#### **Article 13: Additional Provisions**

The use of the National Guard under EMAC is for humanitarian purposes.

## Assigning EMAC Responsibilities Within Your State

As the state director of emergency management you are responsible for assigning EMAC duties in your state to pre-plan and implement EMAC as both a Requesting and Assisting State. The positional responsibilities you must assign are as follows:

- **EMAC Authorized Representative(s):** Individuals who can financially obligate the state to send or request EMAC assistance. By default, the state director is an EMAC Authorized Representative (AR). EMAC procedures recommend a minimum of three EMAC ARs to ensure someone is always available to approve request and offers and sign the EMAC Resource Support Agreement (RSA).
- **EMAC Coordinator:** The single individual in your state emergency management agency who reports to you on EMAC's implementation and is the primary point of contact for EMAC inquiries. This individual is responsible for provide training and education on EMAC, reviewing EMAC plans and procedures, conducting outreach to stakeholders, ensuring EMAC is coordinated within every state agency, implementing lessons learned and ensuring the Compact is in a constant state of readiness and embedded within exercises. They also maintain the contact information for all staff assigned EMAC responsibilities on the EMAC website. The EMAC Coordinator should be Advance Team (A-Team) trained.
- **EMAC Designated Contact(s):** State emergency management staff that are knowledgeable about EMAC and can provide education, training, and answer questions. All EMAC Designated Contacts should be trained as A-Team members.

- **EMAC Advance Team (A-Team):** NEMA trained and qualified personnel who are responsible for implementing the Request and Offer Phase of EMAC during an incident. These personnel should be selected from state emergency management, National Guard, local government and other disciplines within a member state. States should maintain an active A-Team cadre to serve within their own state and to deploy to Requesting States. They should participate in EMAC exercises on a regular basis to maintain skills.
- **Legal Contact:** The individual(s) in a member state who provides legal counsel to the emergency management agency within that member state. This individual will also provide guidance for the implementation of EMAC.
- **Finance and Administration:** The personnel within a member state who are responsible for the finance and administration responsibilities and, therefore, responsible for EMAC reimbursements.

In addition to the above positional responsibilities, you should engage all members of your staff to ensure they are knowledgeable about EMAC. For example, your state public information officer (PIO) should send out press releases when your state deploys or receives resources via EMAC – giving your state and your governor the credit due for providing mutual aid resources or receiving aid from another state.

Training and exercise officers should be engaged on EMAC to ensure all stakeholders take available online training provided by NEMA and EMAC is embedded within state and local exercises. Requiring deploying personnel to take the online “EMAC: Just in Time Training for Deploying Personnel” helps to set expectations and prepare personnel resulting in a better deployment experience.

***We have always valued EMAC but are for the first time in Kansas, experiencing the real value of it. The teams and individuals that we have received are nothing but professionals, experienced and trained. They are a true extension of our team. Many state directors do not understand the true value of NEMA. It's times like these, they will.”***

— Angee Morgan, Deputy Director, Kansas Division of Emergency Management

## G-2. The EMAC Process

The EMAC process comprises five distinctive phases.

### Phase 1: Pre-Event Preparation



Pre-event preparation is an essential element of the EMAC process. As the state director you are responsible for ensuring your state has conducted EMAC Pre-Event Preparation activities and engaged every resource provider in your state before an emergency or disaster occurs.

One of the responsibilities includes training and exercising with EMAC stakeholders. Stakeholders are any governmental entity or publicly owned resource provider within the jurisdiction of an EMAC Member state who may need assistance or be able to provide assistance through the EMAC system. You must develop a program in your state that instructs on how locals request and provide resources through EMAC and develop enabling mechanisms that protect personnel deploying through EMAC.

Other pre-event responsibilities include the following:

- Integrate EMAC in all plans, procedures developing internal procedures for implementing EMAC
- Incorporate lessons learned into planning, training, exercises, and procedures
- Conduct EMAC training and exercises
- Develop enabling mechanisms for the deployment of non-state assets
- Develop Mission Ready Packages (MRPs) to include resource typing and cost estimates and catalog the resources in the NEMA maintained Mutual Aid Support System (MASS), a free resource available to your state

### Phase 2: Activation



When a state is impacted by a disaster, the affected jurisdictions identify needs and route them through the appropriate chain of command. When a resource request reaches the state emergency management agency, the incident commander determines the most appropriate source to fill that resource need. The source may be federal, private sector, a volunteer organization, or through other states using EMAC. When a state faces an emergency—whether it arises from natural or manmade disaster, resource shortages, enemy attack, or other hazard—that state’s governor may declare an emergency or disaster, authorizing funds to be expended for response and recovery.

A governor’s declaration\* is the first step in the activation of EMAC. The second step is when the affected state’s EMAC Authorized Representative, EMAC Coordinator or EMAC Designated Contact opens an event in the online EMAC Operations System (EOS), alerting both the National Coordinating State and NEMA that a request for resources is likely.

*MRPs are specific response and recovery capabilities that are organized, developed, trained, and exercised prior to an emergency or disaster. They should be developed in coordination with the state emergency management agency. NEMA has created a Microsoft Excel® template for the development of MRPs that should be used to maintain compatibility with the EMAC Operations System (EOS). Once MRPs are developed they can be uploaded into the Mutual Aid Support System (MASS), the national database of Mission Ready Packages integrated with the EOS and maintained by NEMA at no cost to the state!*

*\*Important Note: Only the **impacted** state needs to declare an emergency. States that may assist do not need to make such a declaration, although those states’ EMAC Authorized Representatives should keep their governors apprised of the possibility of incoming requests.*

### Phase 3: Request and Offer



Agencies within states use their in-state resource request procedures to route all requests, including those under EMAC, to their home state emergency management agencies. Once a state emergency management agency identifies a need or receives a request for assistance and determines that those resources are best obtained through EMAC member states, the request and offer phase of the EMAC process begins.

- The Requesting State’s EMAC Authorized Representative approves the EMAC request for assistance.
- The request is handed off to an EMAC A-Team (an in-state team or a team from an Assisting State).
- The A-Team facilitates the EMAC process under the operational control of the EMAC Authorized Representatives by entering the request into the EMAC Operations System and utilizing the EOS to contact potential assisting states.
- The potential Assisting States assess their own risk level and, if able, use their in-state EMAC activation protocols to contact the in-state resource providers to determine their ability to assist. The EMAC Authorized Representative of the potential assisting state must approve all offers of assistance.
- An Assisting State indicates their state’s ability to offer assistance through the online Operations System, phone, or e-mail.
- The offer of assistance is input into the EOS by the Assisting State A-Team after approved by the EMAC Authorized Representative.
- The offer is accepted or declined by the EMAC Authorized Representative of the Requesting State.
- The Requesting and Assisting State emergency management agencies then complete the EMAC Resource Support Agreement (RSA).
  - The Assisting State completes Section 1 of the RSA (the formal offer of assistance).
  - The Requesting State completes Section 2 of the RSA (acceptance of the offer).
  - The RSA is compiled resulting in the completed RSA being available in the EOS.
  - Once completed, the RSA constitutes a legally binding agreement between the two states for the mission as outlined in the RSA.
  - The Requesting State has committed itself to being responsible for the expenses associated with the mission as estimated in the RSA.

*EMAC law includes a 30-day verbal provision between EMAC Authorized Representatives of Requesting and Assisting States whereby resources may deploy after the two reach agreement.*

*The agreement must be followed signed within 30 days with the RSA being completed.*

*While the RSA is a cost estimate, it is also the basis for reimbursement and should be amended throughout the mission if costs do not align with what was initially provided. A good cost estimate in the RSA makes clear the reimbursement intentions of the Assisting State and Resource Provider.*

### Phase 4: Response



Once all the RSA has been executed by the assisting and requesting state emergency management EMAC Authorized Representatives, a legally binding agreement has been formalized and resources are ready to be mobilized from the Assisting State to the Requesting State.

If the resources are materials, the resource providers should immediately arrange for deployment. If the resources are personnel, those personnel should take care of all personal business; arrange travel, transportation, and lodging, if necessary; pack adequately; and initiate the process of documenting and tracking expenses for reimbursement.

Mobilizing personnel should receive a pre-deployment briefing by the EMAC Coordinator and once they arrive at their location, they should notify the home state emergency management agency.

Due to the nature of the situation, deployed personnel will likely have to deal with difficult living and working circumstances, limited communications, traumatized residents and coworkers, long working hours, primitive field conditions, and other difficult situations.

Deployed personnel should also realize that the last phase of the EMAC process—reimbursement will flow more effectively if they maintain receipts, trip reports and any other necessary documentation to submit to their resource providers after they return home. Thus, during the response effort, personnel must remember to collect and store all evidence of expenses included in the Resource Support Agreement (RSA).

Deployed personnel should communicate any changes to the mission that arise during the deployment to the home state emergency management agency immediately so the state may determine if an amendment of the RSA is necessary. This may include a change in lodging provisions, the need for the rotation of a team, a change in the mission, damage of equipment, or the need to decontaminate equipment.

Once the mission is completed—that is, once the supplies are used, the services rendered are complete, or the personnel’s term of duty has expired—the resources are demobilized.

Demobilized personnel should be ready upon returning home to participate in any post-deployment briefings and, just as important, prepare the documentation they need for reimbursement. It is vital all reimbursement documentation is compiled in a timely manner as it initiates the reimbursement process.

## Phase 5: Reimbursement



**Although reimbursement is the last phase of the EMAC process, attention to reimbursement spans all phases. Resource providers, as well as personnel who may deploy in support of an EMAC mission, should be well versed in advance of that mission on how the reimbursement process works and what documentation is required to obtain to support a reimbursement claim.**

Upon return home from a mission, deployed personnel should organize, package, and submit all receipts and other documentation necessary to obtain reimbursement for mission-related expenses from the resource provider.

The resource provider then collects, prepares, reviews, approves and submits reimbursement documentation to the resource provider’s state emergency management agency. That state’s emergency management agency, in turn, reviews the submitted documentation and may then reimburse the resource provider for the costs incurred to perform the EMAC mission.

*[Note: Some states’ laws prohibit payment to resource providers until payment is received by the Assisting State or the state may not be able to pay immediately if it does not have available funds.]*

The Assisting State’s emergency management agency prepares and forwards the complete reimbursement package to the Requesting State. The Requesting State reviews the reimbursement package and, if all costs are properly documented, repays the Assisting State in a timely manner.

Important to remember is that the EMAC RSA is a legal agreement between the two states, and, as such, any costs that are agreed to and signed off on by both Requesting and Assisting States are binding. When questions arise about cost eligibility post mission, the RSA is the first consideration to determine if the cost is eligible. Writing RSAs and including in the RSA during the request and offer process cost categories is vital to the reimbursement process.

It is also important to note the reimbursement of agreed-upon costs shall not be contingent upon FEMA determination or approval as an eligible FEMA reimbursable cost.

## EMAC Guidance Documents

All EMAC member states have agreed to use standard implementation procedures. These are identified within the NEMA maintained EMAC Operations Manual, a password protected document available to state emergency management personnel and key EMAC personnel on the EMAC website ([www.emacweb.org](http://www.emacweb.org)).

The EMAC Executive Task Force Operating Protocols, the guiding document that outlines the roles and responsibility of state emergency management members to maintain EMAC is also available on the EMAC website and is maintained by NEMA.

NEMA also maintains positional standard operating guidelines for the implementation of EMAC including the following:

- EMAC A-Team Standard Operating Guidelines
- National Coordinating State Standard Operating Guidelines
- National EMAC Liaison Team Standard Operating Guidelines
- Regional EMAC liaison Team Standard Operating Guidelines
- Deploying Personnel Standard Operating Guidelines

## EMAC Myths & Facts

Myth	Fact
<b>The EMAC reimbursement process is slow</b>	<p>The EMAC reimbursement process was designed to be very timely with some states sending checks within a week or two of receiving the reimbursement package from the Assisting State.</p> <p>Analysis has identified process delays attributed to states lack of training, not having reimbursement procedures as a Requesting and Assisting States, onerous documentation requirements, and no sense of urgency to submit documentation.</p> <p>As the State Director, you are responsible for ensuring the reimbursement process proceeds in an efficient manner.</p>
<b>The EMAC mission paperwork is onerous</b>	<p>Each EMAC mission has paperwork required called the Resource Support Agreement (RSA). This is a 2-part form that is part of the Request and Offer Process. Completing the form is very fast within the EMAC Operations System— just taking minutes.</p> <p>As the state director, you are responsible for ensuring an EMAC Authorized Representative is available to approve requests, offers, and sign the EMAC RSA in a timely manner.</p>
<b>Our state doesn't need Mission Ready Packages</b>	<p>Mission Ready Packages (MRPs) were designed to prepare Resource Providers for an intrastate or interstate deployment, accelerate the EMAC response, provide an organized methodology to compile costs before the disaster occurs and set expectations for reimbursement.</p> <p>States that utilize MRPs are able to submit offers and get resources deployed much more quickly than states that don't use them. We encourage you to hold an MRP workshop in your state!</p>

## G-3. EMAC Executive Task Force and Advisory Group

The **EMAC Executive Task Force (ETF)** develops and implements policies and procedures for EMAC and relays information and issues from the local/regional level to the national level at the request of the EMAC Committee.

The ETF meets twice annually in conjunction with NEMA forums and holds regular conference calls.

The ETF is comprised of both voting and non-voting members. The voting membership includes the ETF chair, chair-elect, past chair, Lead State Representatives (LSR), three members at large and the NEMA Legal Counsel Committee Liaison. NEMA provides staff support to the ETF.

*Serving as an LSR is an excellent opportunity for state personnel trained and experienced in EMAC to get involved with the activities of the Compact. Each region elects an LSR by consensus of the state emergency management directors to serve on the ETF for a period of two years.*

### EMAC Advisory Group

The EMAC Advisory Group, established in 2006, was identified as a need in the after-action report from Hurricane Katrina. National organizations have a venue through the Advisory Group to work in coordination with the EMAC Committee to continually improve the Compact throughout the nation.

The mission of the Advisory Group is to facilitate the effective integration of multi-discipline emergency response and recovery assets for nationwide mutual aid through EMAC.

#### Advisory Group members:

- Adjutants General Association of the United States (AGAUS)
- All Hazards Incident Management Teams Association (AHIMTA)
- Association of Public Communications Officials (APCO)
- American Ambulance Association (AMA)
- American Public Works Association (APWA)
- American Water Works Association (AWWA)

- Association of State & Territorial Health Officials (ASTHO)
- Big City Emergency Managers (BCEM)
- Center for Public Safety Management, LLC (CPSM)
- International Association of Emergency Managers (IAEM)
- International Association of Fire Chiefs (IAFC)
- Major Cities Chiefs Association (MCCA)
- National Association of Counties (NACo)
- National Association of County & City Health Officials (NACCHO)
- National Association of State Emergency Medical Services Officials (NASEMSO)
- National Governors Association (NGA)
- National League of Cities (NLC)
- National Sheriffs Association (NSA)
- State Urban Search and Rescue (SUSAR)

#### Federal agency liaisons:

- Centers for Disease Control and Prevention (CDC)
- Federal Emergency Management Agency (FEMA)
- National Guard Bureau (NGB)

## G-4. EMAC Resources

NEMA administers EMAC on behalf of the member states and is responsible for maintaining EMAC documents, the EMAC website and the EMAC Operations System (EOS). If you have a question about EMAC implementation or policy contact NEMA.



Visit the EMAC website @ [www.emacweb.org](http://www.emacweb.org)

The EMAC website ([www.emacweb.org](http://www.emacweb.org)) is a great source of information. You can obtain your username and password to the EMAC website by contacting the NEMA staff.

### Online EMAC Training

Requiring your staff to take EMAC eLearning courses is a great place to start building and maintaining your EMAC program. NEMA hosts courses on the EMAC website for state emergency management agencies, resource providers, deploying personnel, the National Guard and EMAC Authorized Representatives (like you).

- **Practice and Implementation of EMAC:** 3.5 - 4 hours
- **EMAC: Just in Time Training for Deploying Personnel:** 1.5 - 2 hours
- **EMAC: Pre-Event Preparation for Resource Providers:** 1 - 1.5 hours
- **EMAC Reimbursement for State Emergency Management:** 2 - 2.5 hours
- **The National Guard and EMAC:** 1.5 - 2 hours
- **EMAC Bootcamp for Authorized Representatives:** 1.5 - 2 hours

## G-5. Intrastate Mutual Aid

**Neighbor Helping Neighbor:** Hundreds of emergencies and small-scale disasters occur every year that may necessitate the sharing of personnel, resources and other assistance between cities and counties within a given state. This is called intrastate mutual aid.

According to a 2013 NEMA survey, more than 30 states have formal intrastate mutual aid agreements or legislation in place. These are written agreements that generally define the entities that are covered under the agreement, the responsibilities of signatories, and the provisions under which intrastate mutual aid may be requested or provided and the process to be used. The agreements may also include provisions related to tort liability, licensure, workers compensation and reimbursement.

Many states give local government the option to join statewide mutual aid agreements but strongly encourage it by providing additional training, equipment or other resources to jurisdictions that become signatories to the agreement. In a growing number of states, local governments are legally a party to the agreement unless they specifically “opt out” or choose not to participate.

Intrastate mutual aid agreements are highly recommended. They allow communities to share resources that may otherwise not be available in their area. Jurisdictions will never have enough money available to adequately purchase, position and maintain specialized emergency response personnel or equipment. Not every jurisdiction faces the same risk or threat or requires the same level of emergency response capability. Therefore, it makes sense that every jurisdiction has the ability to access resources from around the state when needed. Intrastate mutual aid agreements make this possible.

Intrastate agreements can also be a legal mechanism for deploying local resources through EMAC. In some states, these agreements may include volunteers and/or private sector entities as signatories.

### National Model Intrastate Mutual Aid Legislation

In 2004 NEMA, in partnership with key stakeholder groups, developed national model intrastate mutual aid legislation. The model serves as a template for those states that don't have an agreement in place and wish to implement one as well as for those who have a need to institute an agreement that is based on EMAC, thereby making the deployment of local resources easier for the purposes of interstate mutual aid.

#### The model legislation contains the following provisions:

- Article I – Preamble
- Article II – Emergency Responders Defined
- Article III – Participating Political Subdivisions' Responsibilities
- Article IV – Implementation
- Article V – Limitations
- Article VI – License, Certificate and Permit Portability
- Article VII – Reimbursement, Disputes Regarding Reimbursement
- Article VIII – Development of Guidelines and Procedures
- Article IX – Workers' Compensation
- Article X – Immunity
- Article XI – Severability

The model intrastate mutual aid legislation was developed by an interdisciplinary work group comprised of representatives from NEMA, American Public Works Association, FEMA, International Association of Chiefs of Police, IAEM, International Association of Fire Chiefs, National Association of County & City Health Officials, National Association of State EMS Officials, ASTHO, and National Sheriffs' Association. The fact that these stakeholder groups were able to come together to develop an agreed-upon model represents one of the fundamental tenets of mutual aid: a diverse group coming together to achieve a common goal.

The NEMA National Model Intrastate Mutual Aid Legislation can be found on the EMAC website. Also available on the website are copies of intrastate mutual aid agreements.

## G-6. International Mutual Aid

There are currently three cross border international mutual aid agreements – all with Canadian provinces and states. These international agreements are based on EMAC with the same member state responsibilities as outlined in EMAC law. The main difference is no requirement for a declaration of emergency or disaster to receive resources.

### **International Emergency Management Assistance Compact (IEMAC)**

- In 1998 the Conference of New England Governors and Eastern Canadian Premiers passed Resolution 23-5, A Resolution Concerning the International Emergency Management Assistance Compact (IEMAC).
- In 2000 the IEMAC was accepted by the Conference of New England Governors and Eastern Canadian Premiers.
- In 2007 Senate Joint Resolution 13 was passed by the U.S. Congress, providing consent to the International Emergency Management Group (IEMG) MOU and signed into law by President George W. Bush.
- *Members include Quebec, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.*



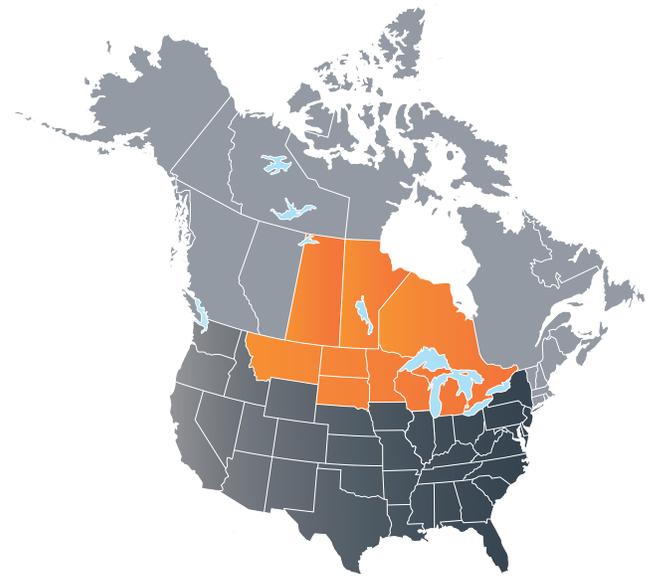
### **Pacific Northwest Emergency Management Arrangement (PNEMA)**

- In the late 1980s the Western States Seismic Policy Council developed the concept of a mutual aid compact for earthquakes. FEMA Region X supported the concept for the states in the region and facilitated cross-border discussions. The concept for the arrangement then expanded to include all hazards.
- Congress consented to and ratified PNEMA in July 1998. Public Law 105-381 went into effect on November 12, 1998.
- In 2006-2007, Annex B was signed by member governors and premiers in order to provide a basis for PNEMA operations. Annex B is simply the language of the Emergency Management Assistance Compact in an international form.
- *Members include British Columbia, Yukon Territory, Alaska, Idaho, Oregon, and Washington State.*



## Northern Emergency Management Assistance Compact (NEMAC)

- In 2008, representatives from NEMA and FEMA met to discuss the advancement of international mutual aid between the Canadian provinces/territories and U.S. and Mexican states following the principles as outlined in EMAC law.
- In March 2009 NEMA introduced a concept paper at the request of the NEMA/FEMA working group that met in 2008 outlining an international mutual aid agreement between all U.S. states, Canadian provinces and Mexican states. The NEMA membership voted unanimously to develop the voluntary compact.
- In December 2008, an agreement was signed between Canada and the United States that renews and updates the previous agreement signed in 1986. This agreement established the basis on which the two countries may assist each other during times of emergency or disaster by sending supplies and equipment, emergency personnel and expert support. It provided for the integration of response and relief efforts during cross-border incidents. The agreement further ensured a comprehensive and harmonized approach to emergency management and establishes a framework for both nations to respond jointly to emerging threats and work together to protect communities.
- In January 2010 NEMA established the North American Mutual Aid Work Group to facilitate the development of a North American mutual aid agreement. The work group included state emergency management director representatives from EMAC, IEMAC and PNEMA. Representatives were also included from the Southwest border states, which are in the process of developing an agreement with the Mexican states. Stakeholder groups included FEMA, Governors' Homeland Security Advisors Council, Adjutants' General Association, and the U.S. Agency for International Development.
- In early 2013, through the leadership of Sen. Herb Kohl (D-WI) and Sen. John Hoeven (R-ND), Congressional Joint Resolution (S.J. RES. 44) ratified the State and Province Emergency Management Assistance Memorandum of Agreement. The legislation allowed jurisdictions, to include any or all of the states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, New York, North Dakota, Pennsylvania, and Wisconsin, to participate in cross-border mutual assistance for preparedness and response with any or all of the Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan. The compact allows additional states and provinces to join upon execution or adoption.
- The agreement is complementary to IEMAC, PNEMA, and the Canadian Council of Emergency Management Organizations (CCEMO) Memorandum of Understanding.
- The agreement is based upon EMAC's long history of success.
- The all hazards agreement was named the Northern Emergency Management Assistance Compact (NEMAC).
- ***Current members include Manitoba, Ontario, Saskatchewan, Michigan, Minnesota, Montana, North Dakota, South Dakota and Wisconsin.***
- ***All states and Canadian provinces may join NEMAC.***



## NEMA's Support of International Mutual Aid

NEMA is a long-time supporter of international mutual aid efforts and is currently working on upgrades to the EMAC Operations System (EOS) to support the use of the system for international mutual aid using the Resource Support Agreement (RSA).

# SECTION H.

## HOMELAND SECURITY

### H-1. State Homeland Security Organizational Structures

After the September 11, 2001, terrorist attacks, then-White House Homeland Security Advisor Tom Ridge sent a letter to the nation’s governors asking them to name a single point of contact within the state to serve as the homeland security advisor (HSA).

Due to varying state government structures, the role of HSA is not monolithic or always located in the same department. According to the NEMA 2018 Biennial Report, in 17 states, the HSA is also the emergency management director. In 11 states, the HSA holds the title of Homeland Security Director, and 9 states give this responsibility to a public safety secretary or commissioner. The Adjutant General is in charge in 7 states while 4 utilize the head of the state police.

As of 2018, 18 states had combined emergency management and homeland security offices while 11 maintained homeland security responsibilities in a department of public safety. The remaining states had the HSA in the governor’s office (8 states), Adjutant General/Military Affairs (8 states), or state police (2).

In several states, although not the designated HSA, the emergency management director has responsibility for the day-to-day implementation of homeland security grants and other programs to ensure a coordinated approach to all-hazards prevention, preparedness, mitigation, response, and recovery.

#### How the State Homeland Security Function is Organized for Day-to-Day Operations:

<b>Governor’s Office</b>	<b>8</b>
<b>Adjutant General/Military Affairs</b>	<b>8</b>
<b>Combined EM/HS Office</b>	<b>18</b>
<b>Public Safety</b>	<b>11</b>
<b>State Police</b>	<b>2</b>
<b>Other</b>	<b>3</b>

Determining appropriate staffing levels of state homeland security organizations remains a challenge. In some states the number of personnel may be fewer than five, and in some it may approach 100 positions. Commonly, personnel serve in a dual capacity, working in both emergency management and homeland security programs. Such dual-functioning is a result of few

states being able to afford to maintain separate staffs, instead finding synergies by sharing personnel across program areas.

In recent years states have come to better understand how they need to address homeland security concerns, and in some cases, this has led to government reorganizations. The recent trend in homeland security structures is for governors to merge the function with emergency management or under the auspices of a larger department, such as public safety. The governor maintains the prerogative to organize state government in ways he or she feels works most effectively and best meets the needs of citizens.

Regardless of whether the HSA is a stand-alone appointment or serves a dual role as the state emergency management director, adjutant general or another position, all parties must work closely with one another. The safety and security of the state hangs in the balance.

## Homeland Security Functional Areas

Depending on the organization of a state's homeland security function, the responsibilities may vary; however, typically, the following activities remain under the purview of the HSA:

- Oversight of the state fusion center
- Administration of the federal homeland security grant program
- Counterterrorism
  - Threat and vulnerability assessment
  - Suspicious activity and intelligence gathering and analysis
  - Critical infrastructure and key asset protection
  - Public-private partnerships and prevention programs
- Cybersecurity
- Coordination with the state emergency management agency

For those states along or near border areas, the issues of border security and immigration may also be included in the homeland security portfolio. Even though enforcement is the responsibility of the federal government, border security and immigration issues can jeopardize the safety and security of residents and immigrants, thus necessitating some level of involvement by state and local governments.

For more information on state homeland security roles and responsibilities, refer to the National Governors Association publication, *A Governor's Guide to Homeland Security*.

[www.nga.org](http://www.nga.org)

## H-2. Common Homeland Security Issues

Homeland security encompasses a broad swath of issues both at the state and federal level. In the years since the terrorist attacks of September 11, 2001, some homeland security challenges have changed little, while others continue to evolve in the ever-changing climate of global security.

### Presidential Policy Directive 8

One document often pointed to as the basis for preparedness activities across the country is, in its current form, Presidential Policy Directive 8. It was originally designed as the Homeland Security Presidential Directive or HSPD-8, which was signed by President George W. Bush in 2003, as a result of the Homeland Security Act of 2002. On March 30, 2011, President Obama signed an updated version of the document and renamed it Presidential Policy Directive (PPD) 8.

[www.dhs.gov/xabout/laws/gc\\_1215444247124.shtm](http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm).

The primary topic of concern in PPD-8 is national preparedness, including acts of terrorism, cyber-attacks, pandemics, and catastrophic natural disasters. The directive is primarily for directing DHS activities but requires other departments to participate in some aspects of national preparedness. In the concise document, the president lays out priorities for developing national preparedness goals, a national preparedness system, building and sustaining preparedness, and a national preparedness report. Finally, PPD-8 defines the roles and responsibilities of the secretary of Homeland Security and other agency department heads.

### Suspicious Activity Reporting

Though they have become more prominent in recent years, suspicious activity reporting systems (SARS) were in place throughout numerous federal departments long before the creation of DHS. Even the Internal Revenue Service (IRS) utilizes SARS to connect with the public on the reporting of money laundering activities. Translating “suspicious” into the context of homeland security, however, has remained a challenge.

Even defining suspicious activity is often difficult, as there remains little agreement on what constitutes a reportable activity. The definition of suspicious activity may even vary by region or state. In 2010, DHS began work on developing and rolling-out the “If You See Something, Say Something™” campaign, which is intended to act as a nationwide reporting campaign involving every citizen. Partnerships with this campaign have been launched by, among others, the Massachusetts Bay Transportation Authority, the National Basketball Association (NBA) and the National Football League (NFL) as well as in Colorado, Minnesota and New Jersey; more than 9,000 federal buildings nationwide; Walmart; Mall of America; the American Hotel and Lodging Association; Amtrak; the Washington Metropolitan

Area Transit Authority; the general aviation industry; and state and local fusion centers across the country.

### Center for Homeland Defense and Security Executive Education Seminars

CHDS sponsors an Executive Education Program aimed to assist state and local officials in addressing critical homeland security issues. The program provides a range of homeland security educational opportunities designed to further strengthen U.S. capability to prevent, deter, prepare for, respond to, and recover from terrorist attacks, natural disasters, and public safety threats. These events help build the intergovernmental, interagency, and civil-military cooperation that homeland security requires.

CHDS Executive Education Seminars are conducted by Mobile Education Teams (METs) comprised of nationally-recognized experts in various areas related to homeland security and emergency management. The seminars are provided free-of-charge and focus on enhancing the capacity of top government officials to successfully address homeland security challenges. For states, the target audience is the governor and the homeland security team, which is expected to consist of the governor’s senior staff and the heads of each department and agency with a role in homeland security. Executive Education Seminars are also available for major urban area senior homeland security leaders as well as professional associations in the homeland security and emergency management arenas.

Executive Education Seminars concentrate on the state- and local-level strategic planning, policy development, and organizational design challenges that homeland security can pose. They are designed to complement the full-range of diverse operational training and exercise programs that currently exist for lower-level officials and staff.

For each event, CHDS teams work with requesting government agencies and associations to customize educational content to meet participant needs and objectives. Seminars may cover a wide-range of homeland security issues important to leaders and decision-makers or explore a single challenge in depth. Focus areas often include:

- Federal/state/local responsibilities and coordination
- Prevention
- Intelligence collection, assessment, and dissemination, and information sharing

- Critical infrastructure protection
- Response operations
- Public communications
- Recovery

The unique needs of the locality and the diverse threats they face drive the length and format of each event. Seminars with senior elected officials range from subject matter expert briefings over a few hours in a boardroom setting to half-day or full-day roundtable discussions with their full cabinets. Multi-day workshops and symposia are also available for interagency, multi-jurisdictional, and regional events and collaborations. [www.chds.us/c/academic-programs/met](http://www.chds.us/c/academic-programs/met)

### H-3. Fusion Centers

State and major area fusion centers serve as focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial, and private sector partners. Fusion centers are owned and operated by state and local entities, with support from federal partners in the form of deployed personnel, training, technical assistance, exercise support, security clearances, connectivity to federal systems, technology, and grant funding.

#### What Fusion Centers Do

Fusion centers are designed to empower front-line law enforcement, public safety, fire service, emergency response, public health, critical infrastructure and key resource protection, and private sector security personnel to understand the local implications of national intelligence. These stakeholders then contribute to the information sharing environment (ISE) through their role in receiving threat information from the federal government; analyzing that information in the context of their local environment; disseminating that information to local agencies; and gathering tips, leads, and suspicious activity reporting (SAR) from local agencies and the public. Fusion centers receive information from a variety of sources, including from stakeholders within their jurisdictions, as well as federal information and intelligence. They analyze the information and develop relevant products to disseminate to their customers. These products assist homeland security partners at all levels of government to identify and address immediate and emerging threats.

Beyond serving as a focal point for information sharing, fusion centers add significant value by providing a critical state and local context and subject matter expertise to enhance the national threat picture. Such information enables the effective communication of locally generated threat-related information to the federal government. Integrating and connecting these state and local resources creates a national capacity to gather, process, analyze, and share information in support of efforts to protect the country.

A challenge for HSAs, however, is reconciling constitutional issues with the need to “fuse” information through state fusion

centers and create uniformity in the information collected. While such challenges remain, the need for clear and actionable intelligence at the state level is more prominent than ever.

#### State Fusion Center Organizational Structures

**There are two types of fusion centers:**

- **Primary Fusion Centers:** A primary fusion center typically provides information sharing and analysis for an entire state. These centers are the highest priority for the allocation of available federal resources, including the deployment of personnel and connectivity with federal data systems.
- **Recognized Fusion Centers:** A recognized fusion center typically provides information sharing and analysis for a major urban area. As the Federal Government respects the authority of state governments to designate fusion centers, any designated fusion center not designated as a primary fusion center is referred to as a recognized fusion center.

DHS officially recognizes 79 fusion centers across the country. As the fusion center concept continues evolving, so too does their area of focus, ranging from counterterrorism to all-crimes to all-hazards. Additional areas of focus include, but aren't limited to, general crime, narcotics, cybersecurity and critical infrastructure.

According to the 2017 National Network of Fusion Centers Final Report, 100% of fusion centers are located either in the same office or building as another federal, state, local, tribal or territorial (SLTT) partner agency. Seventy-nine percent of fusion centers are co-located with a law enforcement agency, 35% with state or local homeland security and 32% with the

state or local emergency operations center. Fifty-seven fusion centers (74%) are managed by law enforcement. In terms of staffing, the report states there are over 2,666 SLTT and private sector full or part-time personnel assigned collectively to all fusion centers.

### Coordinating with State EOCs

Fusion centers and emergency operations centers (EOCs) should become familiar with each other's roles and capabilities to facilitate successful interfacing and cooperation between them to effectively work together to achieve their respective objectives. The relationships forged between these two entities will allow them to have continuous, meaningful contacts, which will enhance their ability to share information and intelligence.

EOCs and watch/warning centers, as well as other public safety and first responder agencies and private-sector entities, are essential providers of raw information, operational emergency management information, all-hazards intelligence and other subject matter expertise. In addition, they are users of operational information and intelligence and, therefore, also "customers" of fusion centers. This symbiotic relationship requires mutual trust and respect guide interagency collaboration policies and protocols, allowing for effective and consistent collaboration during the steady state or during an emergency.

In addition to addressing the relationship in a concept of operations (CONOPS) and standard operating procedures (SOPs), memoranda of understanding (MOUs) should be created, reviewed and updated as necessary to define roles during both periods of activation and non-activation. SOPs and MOUs also define how information will be shared between the two entities. FEMA's Comprehensive Preparedness Guide (CPG) 502 focuses on this critical partnership and the exchange of information between these entities. The CPG 502 guidance also provides information on federal departments and initiatives, the role of fusion centers, the role of EOCs, EOC and fusion center coordination, and case studies and examples.

### DHS Support to Fusion Centers

Fusion centers remain a national priority. DHS has deployed more than 150 intelligence officers to fusion centers as well as a cadre of nearly 200 Protective Security Advisors (PSA) who work in tandem with those intelligence officials. Additional information on PSA's is provided in the next section. DHS also provides training and technical assistance for fusion center personnel.

State and urban area homeland security grants through DHS/FEMA are a significant source of funding to support fusion centers. Consistent with the Implementing Recommendations of the 9/11 Act of 2007 (P.L. 110—52), states are required to ensure that at least 25 percent of federal homeland security appropriated funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities, including those activities that support

the development and operation of fusion centers. The same requirement pertains to Urban Area Security Initiative (UASI) grants.

#### Federal Guidance Documents for Fusion Centers:

- Baseline Capabilities for State and Major Urban Area Fusion Centers, A Supplement to the Fusion Center Guidelines [www.fema.gov/pdf/government/grant/2010/fy10\\_hsgp\\_fusion.pdf](http://www.fema.gov/pdf/government/grant/2010/fy10_hsgp_fusion.pdf)
- Considerations for Fusion Center and Emergency Operations Centers, Comprehensive Preparedness Guide 502 [www.fema.gov/pdf/about/divisions/npd/cpg\\_502\\_eoc-fusion\\_final\\_7\\_20\\_2010.pdf](http://www.fema.gov/pdf/about/divisions/npd/cpg_502_eoc-fusion_final_7_20_2010.pdf)

### Fusion Center Resources

**Fusion Center Leaders Program** - The Naval Postgraduate School Center for Homeland Defense and Security offers a Fusion Center Leaders Program (FCLP) built upon guidance from state, local, tribal, and territorial (SLTT) partners, and federal interagency partners, including the Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI), Department of Justice (DOJ), and Office of the Director of National Intelligence (ODNI). This graduate-level program examines key questions and issues facing fusion center leaders and their role in homeland security, public safety, and the ISE. The program is designed to enhance critical thinking related to homeland security and public safety intelligence issues at the federal and SLTT levels of government and in the private sector.

**National Fusion Center Association (NFCA)** - a nonprofit organization based in Alexandria, Virginia, that is an advocacy group for the 79 federally-recognized fusion centers. Its stated mission is to represent the interests of fusion centers in states, tribal nations, and units of local government in order encourage effective, efficient, ethical, lawful, and professional intelligence and information sharing and reduce the harmful effects of crime and terrorism on victims, individuals, and communities.

**National Fusion Center Conference** - provides an annual forum for fusion center representatives to receive training, technical assistance, and other support to achieve a baseline level of capability and meet the goals identified in the *National Strategy for Information Sharing*. The intended audience is fusion center directors, homeland security advisors, intelligence analysts, and law enforcement professionals. The conference is co-sponsored by DHS, DOJ, FBI and other law enforcement-centric federal agencies.

## H-4. Critical Infrastructure Protection

Critical infrastructure surrounds us. We see it in the power grids throughout our communities, the transportation infrastructure supporting millions of tons of cargo, and the mechanisms bringing us clean water to our homes. Protecting the nation's critical infrastructure is a key DHS mission established in 2002 by the *National Strategy for Homeland Security* and the Homeland Security Act of 2002.

"Critical infrastructure" is defined by federal law as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." DHS recognizes 16 critical infrastructure sectors, as diverse as agriculture and food, emergency services, and cyber networks.

Since 2004, DHS has maintained robust infrastructure protection field operations through the Protective Security Advisor (PSA) program. PSAs are trained critical infrastructure protection and vulnerability mitigation subject matter experts. Regional directors are supervisory PSAs, responsible for the activities of eight or more PSAs and geospatial analysts, who ensure all DHS Infrastructure Security Division critical infrastructure protection programs and services are delivered to state, local, territorial, and tribal stakeholders and private sector owners and operators.

The PSA program focuses on enhancing infrastructure protection, assisting with incident management, and facilitating information sharing. In recent years, the program expanded to also include Cybersecurity Advisors (CSA) to assist with the evolving cyber-threat. While this program is a critical aspect of DHS's infrastructure protection portfolio, the effort is only as effective as the coordination between PSAs and the state HSA.

### Homeland Security Presidential Directive 7

Homeland Security Presidential Directive 7 (HSPD-7), signed by President Bush in 2003, established U.S. policy for enhancing critical infrastructure protection by establishing a framework for partners of DHS to identify, prioritize, and protect critical infrastructure in our communities from terrorist attacks. The directive identified 17 critical infrastructure sectors and, for each sector, designated a federal sector-specific agency (SSA) to lead protection and resilience-building programs and activities. HSPD-7 allows for DHS to identify gaps in existing critical infrastructure sectors and establish new sectors to fill these gaps. Under this authority, the department established an eighteenth sector, the critical manufacturing sector, in March 2008. Today, DHS recognizes 16 critical infrastructure sectors. Each of the sector-specific agencies developed a sector-specific plan that details the application of the National Infrastructure

Protection Plan (NIPP) to the unique characteristics of their sector. [www.dhs.gov/xabout/laws/gc\\_1214597989952.shtm](http://www.dhs.gov/xabout/laws/gc_1214597989952.shtm)

### Critical Infrastructure Sectors

- Chemical
- Commercial Facilities
- Communications
- Critical Manufacturing
- Dams
- Defense Industrial Base
- Emergency Services
- Energy
- Financial Services
- Food and Agriculture
- Government Facilities
- Healthcare and Public Health
- Information Technology
- Nuclear Reactors, Materials and Waste
- Transportation Systems
- Waste and Wastewater Systems

### Infrastructure and Cybersecurity Protection at DHS

Critical infrastructure protection remains a high priority for DHS and is managed by the Cybersecurity and Infrastructure Security Agency (CISA). Previously called the National Protection and Programs Directorate (NPPD), CISA came into being as a result of the Cybersecurity and Infrastructure Security Agency Act of 2018 (P.L. 115–278). This new agency came about as the result of a reorganization of the functions of the NPPD. The agency is responsible for protecting the Nation's critical infrastructure from physical and cyber-threats and is broken into four operational components:

**Cybersecurity Division.** Builds the national capacity to defend against cyber-attacks and works with the federal government to provide cybersecurity tools, incident response services and assessment capabilities to safeguard the '.gov' networks that support the essential operations of partner departments and agencies.

**Infrastructure Security Division.** Coordinates security and resilience efforts using trusted partnerships across the private and public sectors, and delivers technical assistance and assessments to federal stakeholders as well as to infrastructure owners and operators nationwide.

**Emergency Communications Division.** Enhances public safety interoperable communications at all levels of government, coordination, tools and guidance to help partners across the country develop their emergency communications capabilities.

**National Risk Management Center (NRMC).** Housed within CISA, the NRMC is a planning, analysis, and collaboration center working to identify and address risks to the nation's critical infrastructure. The NRMC works with the private sector and other key stakeholders in the critical infrastructure community to: Identify; Analyze; Prioritize; and Manage the most strategic risks to our National Critical Functions — the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating impact on security, national economic security, national public health or safety, or any combination.

**Operations Division.** Designed to consolidate the management of operational field activities throughout the CISA Regions, emergency support functions (i.e., ESF 2 and ESF 14), certain operational watch functions, continuity of operations programs, internal training and exercises, and other elements, as appropriate.

## **Multi-State Information Sharing and Analysis Center**

The Multi-State Information Sharing and Analysis Center (MS-ISAC), a division of the Center for Internet Security, works with state and local governments on cyber threat prevention, protection, response, and recovery. The mission of the MS-ISAC is to improve the overall cybersecurity posture of state, local, territorial and tribal governments. Collaboration and information-sharing among members, private sector partners and the DHS are the keys to success.

In coordinating with state and local governments, the MS-ISAC works to provide two-way sharing of information and early warnings on cybersecurity threats, provide a process for gathering and disseminating information on cybersecurity incidents, promote awareness of the interdependencies between cyber and physical critical infrastructure as well as between and among the different sectors, coordinate training and awareness, and ensure that all necessary parties are vested partners in this effort.

[www.msisac.org](http://www.msisac.org)

## H-5. National Homeland Security Consortium



The National Homeland Security Consortium (NHSC) is a forum for public and private sector disciplines to coalesce efforts and perspectives about how best to protect America in the 21st century. The consortium consists of 22 national organizations representing local, state, and private professionals that deliver the daily services vital to safety and security of the United States. The consortium represents the first and secondary responders as well as those who will provide the sustained effort necessary to respond to any major emergency, including leadership and direction by elected and appointed officials.

Participating organizations began meeting together in 2002 at the invitation of NEMA. The consortium is an outgrowth of those initial discussions regarding the need for enhanced communication and coordination between disciplines and levels of government. The consortium is now a recognized entity by DHS/FEMA and works in partnership with other federal agencies, such as the Department of Health and Human Services, Centers for Disease Control and Prevention, Department of Defense and others.

The consortium meets at least twice annually and regularly shares information on issues of common interest. Subject matter experts within the consortium are available as needed to provide input on national strategies, plans, and policies impacting state and local governments.

The NHSC is an example of expanded local, state, and private sector coordination necessitated by growing national demands. The members recognize people across the United States live in large population centers with complex, over-lapping, and interrelated governmental and political structures. At the same time, rural and less populated regions of the country also have citizens expecting and deserving safety and security from any hazard threatening their communities. Consequently, state and local government organizations have taken the initiative to significantly expand their collaboration in order to respond effectively in a crisis. No single organization or entity can be effective attempting to work in isolation. The consortium provides a neutral forum for organizations to exchange ideas, have candid discussions, and galvanize input to the federal government.

### **NHSC objectives:**

1. Provide a broad-based resource and sounding board on homeland security issues for all national stakeholders.
2. Share information, knowledge, experiences, and practices.
3. Contribute to the homeland security debate and discussion.
4. Focus efforts to resolve issues.
5. Develop recommendations in identified areas of common interest.

All members of the NEMA Homeland Security Committee are invited to participate on the NHSC along with all state homeland security advisors.

## **NHSC Participating Organizations**

Adjutants General Association of the United States (AGAUS)

American Public Works Association (APWA)

Association of State & Territorial Health Officials (ASTHO)

Governors' Homeland Security Advisors Council (GHSAC)

International Association of Emergency Managers (IAEM)

International Association of Fire Chiefs (IAFC)

International City/County Management Association (ICMA)

Major Cities Chiefs Association (MCCA)

Major County Sheriffs Association (MCSA)

National Association of State Chief Information Officers (NASCIO)

National Association of Counties (NACo)

National Association of County & City Health Officials (NACCHO)

National Association of State Emergency Medical Services Officials (NASEMSO)

National Conference of State Legislatures (NCSL)

National Emergency Management Association (NEMA)

National Fusion Centers Association (NFCA)

National Governors Association (NGA)

National League of Cities (NLC)

National Sheriffs' Association (NSA)

Naval Postgraduate School Center for Homeland Defense & Security (NPS/CHDS)

State Homeland Security Advisors

U.S. Chamber of Commerce

i. U.S. Department of Homeland Security, "State and Major Urban Area Fusion Centers, [http://www.dhs.gov/files/programs/gc\\_1156877184684.shtm](http://www.dhs.gov/files/programs/gc_1156877184684.shtm), (accessed April 13, 2011).

ii. 2017 National Network of Fusion Centers Final Report, [www.dhs.gov](http://www.dhs.gov)

iii. Patriot Act (107-56, Sec. 1016(e)).

# SECTION I.

## EMERGENCY MANAGEMENT AND THE MEDIA

### I-1. Understanding and Working with the Media

Developing and refining skills in working with the media is as necessary to a state director's success as knowing how to quickly access the right resource when disaster strikes. Accomplishments in the administrative, legislative and political areas of your job can be compromised by a single miscommunication to a reporter. On the other hand, positive media relations can enhance not only the reputation and influence of you and your emergency management program, but also that of your governor and the entire administration.

#### Understanding the Media

As the emergency management director, you, as well as your agency, must form a good working relationship with media throughout the state, prior to a disaster. The media can be your strongest ally in preparing citizens for a disaster and conveying warning messages to the public before, during and after an event. As you come to know the media in your state, you will find that most want to report fair and accurate stories. You will also realize that most reporters have only a basic understanding of emergency management. You and your staff can assist them in comprehending the real issues. Later in this document, you will learn how to prepare for interviews and how to clearly express your agency's message and mission. Initially, however, it's important to know what the media need:

- Prompt answers to question;
- Access to the scene;
- Fair treatment;
- Respect for deadlines; and
- Updates and corrections on evolving incidents.

Always remember the media have a job to do, and they can either get information from a reliable source such as your agency or go elsewhere. You are the emergency management expert. Have confidence that your knowledge and professional enthusiasm will come across to the media, which will result in their appreciating the challenges you face and the contributions you make to public safety in your state.

## Understanding the Role of the PIO

The function of your public information officer (PIO) is to collect, verify and disseminate information to the public through effective communication with the media that will help citizens make decisions about their health, safety and welfare.

Qualities of an effective PIO include knowledge of the organization and good working relationships within the organization. Your PIO should be one of your trusted advisors and strategists. The director needs to keep the PIO involved in decision-making and fully aware of the agency's position. Often, the PIO will be called upon as the spokesperson, and if that person does not have ready access to complete and accurate information, it can delay a media response and harm communication efforts overall.

### There are two main points to understanding the role of the PIO:

1. The effectiveness of your agency's media communications is determined in large part by your PIOs providing an accurate and timely response to media. This timeliness must not be delayed by information being channeled too slowly to your PIO. As such, there must be transparency and trust between you and your PIO.
2. The PIO must be kept in the loop so he/she can anticipate and strategize the agency's response to the public and media in the event a response is warranted. Quicker response time from your agency leads to a better informed public and both educates and builds trust with the media.

## I-2. Developing a Media Strategy

**Don't wait for an emergency to happen before working with the media. A successful media strategy begins with a commitment to proactive initiatives that will bring your governor's administration and your agency to the attention of your state's key media outlets.**

### *Establish a clear agency policy on interacting with the media.*

Ideally, all media contact should be funneled through your public information staff, who should tell you when a media contact has occurred. If you determine that other staff members are allowed to grant media interviews, develop very explicit guidelines on how this will be coordinated. Those guidelines should include the PIO monitoring the interview whenever possible. You do not want staff members "freelancing" with the media. This can result in very serious problems for your agency. Ensure that your PIO has current media contacts lists for all media outlets throughout the state. Know what type of stories individual correspondents prefer, the editorial preferences of each outlet and the policies on accepting letters to the editor or op-ed pieces.

***Assign your PIO or designee to monitor both traditional and social media in your state on a daily basis - more frequently if a disaster is occurring.*** Your PIO should be prepared to contact media outlets and/or specific reporters to correct misinformation or provide clarification. Be prepared to respond to editorials or op-ed pieces with your own perspectives. If you see a story you disagree with, consider a letter to the editor in which you "set the record" straight in a professional statement. Write op-ed pieces that highlight the work of your agency, an important issue facing the state, or emergency management nationwide.

### *Be available for interviews if significant emergencies occur.*

Note – interview requests may come during non-business hours.

***Consider one or more annual media campaigns that highlight a significant risk to your state – e.g., flooding, winter storms, hurricane season and earthquakes.*** Work with other state agencies and local emergency managers to organize a coordinated campaign that both strengthens the awareness of your agency and enhances the preparedness efforts of citizens.

***Work with your public information staff as well as executive and senior staff to identify stories*** that might appeal to newspapers, television or radio, and your PIO be prepared to "pitch the story", i.e., convince a reporter that a story is newsworthy and timely and that their readers or audience would be interested.

***Identify staff throughout your organization who are proficient in working with the media*** so that you can call on subject matter experts to provide context and details to stories.

## Interviews: How to Prepare

Good preparation is the key to a successful news interview. It is important to remember that the reporters, cameras and microphones are simply the conduit to the audience you are trying to reach: the general public.

**No matter the type of medium, there are four simple rules to remember:**

- Keep your answers short and direct.
- Be easy to understand; don't get too technical.
- Don't use acronyms. Answer only the questions you've been asked.

There are several types of interviews: television, print (including Internet), radio, and phone interview.

**Television:** TV interviews are typically the shortest in duration compared to other media. Before doing any television interview, take a quick look at yourself in the mirror or ask someone to check your appearance. There's nothing worse than having a collar up, tie out of place or something in your teeth and not realizing it until you see it later on the news.

**There are three main types of TV interviews:**

**Taped:** A cameraperson and/or reporter will record your interview to be edited and aired at a later time. Remember – you can stop and start a taped interview if you are not pleased with your answer. Keep your answers to no more than 30 seconds, if possible, and try to answer in short “sound bites.” Look at the reporter and not into the camera. If there is no reporter, then look off to either side of the camera or your PIO can stand to the side of the camera to give you a person to talk to.

**Live:** This type of interview is done with your talking to a reporter “live” during a newscast. Your answers are delivered immediately to the audience, so choose your words carefully. Keep your answers to no more than 20 seconds if possible. Look at the reporter and not into the camera.

**Satellite:** This type of interview is typically live, but can also be taped for later use, and it will involve you and a cameraperson only. You will be asked questions by an anchor through an ear piece.

**Radio:** Radio interviews can be taped or live as well. They are often longer and more in depth than a television interview. The key point to remember about a radio interview is that since there are no visuals, your voice must be strong and clear to convey your message.

**When talking to radio reporters, remember the following:**

- Always take time to clear your throat before the interview and keep water nearby.

- If you are in a studio, make sure you sit up straight. Your voice will be stronger and your delivery will be better.
- If not in a studio, consider doing the interview standing up, again because of the positive effect on your voice.
- Keep your responses under 30 seconds and be prepared for a follow-up.
- It is common for radio reporters to ask you to describe how a scene looks or speak in a more descriptive manner since the story will not be accompanied by videos or images.

**Print:** Print interviews, which also include Internet sites, tend to last the longest and give you the opportunity to present the most background information. Print reporters generally have more time to spend on a story, so you can go into more depth on the topic.

**When talking to print reporters, remember the following:**

- Offer supporting background documents such as reports, graphs or tables.
- Feel free to ask the reporter if they understood your answer. Use phrases like “Was that clear?” or “Does that make sense?”
- It is always acceptable to say, “Let me check on that and get back to you.” However, be mindful of the reporter's deadline and always follow up with the information you promised.
- Print media may also want to get video to accompany the story online. In this case, follow the same guidelines as for taped television interviews.

**Phone Interview:** Also known as “phoners,” live phone interviews are done by television stations that need you on the air quickly but don't have the ability to send a camera crew to your location. Stations like the Weather Channel, CNN, and FOX News utilize this type of interview most often during emergency and severe weather situations. **Here are a few details to keep in mind about live phone interviews:**

- When you agree to do a phone interview, ask what the interviewer wants to discuss so that you can ensure you have the information they're looking for – i.e., safety messages for the public or an update on an ongoing incident.
- Some stations will ask you to send a photograph of yourself or agency logo via e-mail to show on the screen as people hear your voice.
- They also may ask you to do a video interview via Skype or other platform. If you choose to do a video interview, be aware of your lighting and background. Try a test video call first to see what it will look like.
- Take a deep breath before the interview starts and talk slowly to ensure the broadcasters and viewers at home will be able to understand you.

### **Additional Best Practices for Interviews:**

- Anticipate any questions you may receive and do a practice interview with your PIO.
- Never go “off the record.” There is no such thing.
- Don’t use sarcasm, over-exaggeration, or try to be funny with your answers.
- Be leery of getting too comfortable or casual with reporters.
- Don’t speculate. If you don’t know the answer to a question or can’t answer a question with facts, explain that you can’t answer that question and then bridge to something you can talk about.
- Say what you want to say and then stop. Don’t feel pressured to keep talking if the reporter pauses and does not immediately respond.

At the conclusion of the interview most reporters ask “is there anything you would like to add.” Have a prepared final comment to cover anything that may not have been asked in the interview or that you may want to reiterate.

### **News Conference versus News Briefing**

Although sometimes used interchangeably, there are a number of differences between a news conference and a news briefing.

As a rule, a news conference is a more formal event, led by a chief elected official, incident commander or senior staff member. It could include multiple topics and may be announced well in advance. A news briefing tends to be less formal and does not have to include time for Q&A. The spokesperson could be a subject matter expert you have designated or the PIO. A news briefing usually deals with a single topic, often breaking information or updates, and can take place at an on-scene event.

#### ***Reasons for hosting a news conference or news briefing include the following:***

- The information is determined to be “newsworthy.”
- Individual interviews are not practical.
- The media hears the same information at the same time.
- A large geographic area is impacted.
- Numerous agencies and organizations are involved.
- The situation is of interest to multiple levels/types of media.

Do not have news conferences/briefings unless you have new information. If an update is scheduled but there are no new facts, the news conference needs to be rescheduled or postponed until new information is available. On the other hand, do not hold back significant life and safety information until the next scheduled briefing; release it as soon as possible.

Your spokesperson should be chosen wisely. On most occasions, the primary spokesperson for a news conference will be the

chief elected official, incident commander or senior official of the lead organization. This person should be credible, consistent and recognizable.

The primary spokesperson should be prepared with a brief (2-3 minute) opening statement. Other agencies may also make brief statements, but limit the number of speakers. Most importantly, other agency representatives should be available to assist the primary spokesperson as subject matter experts during the media’s question-and-answer period.

The planning, organization, and management of the news conference/briefing should be the responsibility of the lead agency’s PIO.

The PIO should serve as the news conference manager and will assist with the following:

- Helping to prepare the spokesperson(s)
- Setting expectations for the media
- Introducing the spokesperson(s)
- Directing questions from the media to the proper speaker (if there are multiple speakers)
- Announcing the end of the news conference
- Staying with the media at the conclusion of the news conference to clarify important points, and identify speakers, titles and spellings

#### **Preparation:**

- Be prepared with facts and figures and specific examples. Reporters will notice if there are any discrepancies in figures presented by different sources. Understand what may account for any differences in reported figures - e.g., injuries, fatalities, property losses. Be prepared to explain the process by which the statistics are gathered and the limitations of the data.
- Don’t stonewall a reporter or say “no comment.” The reporter will assume you’re hiding something, and your lack of responsiveness will only spark further probing. If there’s a special circumstance in which you cannot comment on a subject, explain as clearly as possible the constraints you’re under.
- Never let the reporter put words in your mouth by saying, “In other words . . .” or “Aren’t you really saying . . .” if the statement doesn’t correspond to your meaning. Quickly challenge the reporter’s misrepresentations in a direct, professional manner. Don’t shy away from saying, “No, that’s not true/correct/accurate.”
- Avoid negative statements and don’t allow the reporter to corner you into responding to a negative assertion. Think through the question and find a positive approach. Remember, your goal is always to tell your story and make your points. Bridging phrases like “I think more importantly...” or “What is

significant is . . .” can be used to move from a negative question to the issue you want to address. Don’t respond to a reporter’s negative comment with a negative statement of your own.

### **Accessibility:**

It has become a standard operating procedure to include an American Sign Language interpreter as part of news conferences/briefings when providing precautionary actions before a weather event as well as updates during response and recovery operations. It is also recommended to record the news conference and provide the video online with captions.

### **Editorial Board Meeting**

Editorial board meetings are rare, but can be useful in enhancing the media’s understanding of complex programmatic issues or for building rapport with a newspaper staff. Despite what is usually an informal setting, everything said should be considered on the record. Editors will usually invite one or more reporters to attend and participate. While the outcome may not include an immediate story or a positive editorial, these sessions can enhance your overall media strategy and help promote a positive working relationship with key media outlets in your state. Typically, meetings with editorial boards are at their invitation. However, depending on the situation, the PIO may make a request to meet on your behalf.

### **Crisis Communication: How to Prepare and What to Expect**

Crisis and risk communication is a scientific-based process to give information to the public at a time of high stress, such as during and after a natural or man-made disaster. It is important to have a crisis communications plan in place and be ready to implement it. Remember, crisis communications is a PROCESS, not a specific message. Proper crisis communication is designed to build trust and credibility in order to enhance the public understanding of the situation and encourage cooperation.

According to research by the Center for Risk Communication, people lose the ability to process information during a crisis. In fact, up to 80 percent of what is communicated can be lost. This is true regardless of the audience’s education levels. Simple, declarative statements are the key. In addition, stick to a basic message of compassion, conviction and optimism.

- **Compassion** – Demonstrate empathy to those affected. People want to know that you care before they care about what you know.
- **Conviction** – Tell what you are doing and what you will do.
- **Optimism** – Provide a realistic assessment of how to move forward and get beyond the current crisis.

### **Research shows the following critical components in crisis communication:**

- People can process only about three messages at a time.
- The public can handle only about 27 words at a time.
- Effective messages should last no longer than 9-10 seconds at a time.
- Any negative message must be countered by at least three positive messages.

When you don’t know the answer to a question (and there will be many unanswerable questions in the immediate aftermath of any disaster), it is fine to say “It’s too early to answer that,” “I don’t have that information yet,” or even “I don’t know.” Explain 1) why you don’t know, 2) that you and your team are doing everything you can to find out, and 3) that when you do know, you will tell them. Then bridge to something you can talk about: “What’s important right now is...” or “What I can tell you is...” All leaders (director, secretary, mayor, governor, etc.) should be trained regularly on these principles. Practice them, and you will provide your constituents with an invaluable service during the time they need it the most.

### **Social Media**

Social media (Twitter, Facebook, etc.) has revolutionized the discipline of public communications, signaling a shift from formal, one-directional information delivery to a “collective intelligence” paradigm that is communal, participatory and conversational.

Emergency management communicators are using social media sites for risk and crisis messaging, education, and outreach to a broader audience. These avenues allow for direct and often immediate feedback on messages, providing an opportunity for rumor control in emergency situations. Audiences can also be reached quickly, easily and directly without relying on the media to provide the message.

It is important to have a social media policy that includes any government or agency regulation as well as policies and procedures related to using social media for your overall communications strategy. This includes identifying who is allowed to post on social media on behalf of the agency, what type of approval process is necessary, how to handle comments from the public, and other issues.

### **Facebook**

On Facebook, individual users create online “profiles” while organizations, agencies, businesses, and other entities create “pages.” Pages can post text updates, website links, photos or videos that other users can interact with by “liking” the post, sharing it with others, or writing a comment. Facebook posts are not shown in real-time or in chronological order, which makes Facebook an unreliable way to provide updates during

emergencies and disasters, but it can be useful in sharing information that is not time-sensitive.

### Twitter

Twitter an online social networking service on which users post and interact through posts known as “tweets.” Tweets were originally restricted to 140 characters, but the limit is now 280 characters. Twitter was designed for people to broadcast current activities and thoughts as a form of “microblogging.” Unlike Facebook and many other social networking platforms, tweets are shown in real-time and in chronological order, which makes Twitter a useful way to provide updates during emergencies and disasters.

### Additional Tips for Social Media

- Social media is a great tool but can be time consuming. Adequate staffing is needed to support a robust social media strategy, both in disaster and non-disaster times.
- Social media should not replace outreach through traditional media, but should be used as another tool in your agency’s outreach toolbox.
- Keep in mind that each social media platform may have a different audience so posts should be tailored for each one. Your public information staff should be familiar with the demographics and analytics for each social media site used.
- Hashtags are used to link a conversation by a word, acronym or phrase using the # symbol. For example, #preparedness, #wildfire, or #SMEM (social media in emergency management). Hashtags are most commonly used for Twitter and Instagram but can also be used on Facebook.
- In addition to providing a platform for sharing information, social media (especially Twitter) can be a great tool for situational awareness. You can search for specific words or phrases or use incident-specific hashtags to look for damage reports and photos from the public.
- Be mindful of tone. A government social media account should be professional and informative, but it’s okay to have fun now and then too. Be careful about being sarcastic or making inappropriate jokes or comments. When responding to public comments or questions, provide information and facts without getting defensive.
- When in doubt regarding a post or message, get a second opinion.

### NEMA Social Networking Sites

**LinkedIn:** [www.linkedin.com/groups?about=&gid=2471654&trk=anet\\_ug\\_grppro](http://www.linkedin.com/groups?about=&gid=2471654&trk=anet_ug_grppro)

**Twitter:** @NEMA\_web

**EMAC on Facebook:** [www.facebook.com/amacweb](http://www.facebook.com/amacweb)

### Legislative Communications

Getting to know your state and national lawmakers is just as important as getting to know your local media. Establish contact information for your state legislators and your congressional delegation. Provide them with your contact information and/or your legislative affairs representative. Prior to the start of the state legislative session, meet with the elected officials and explain the role of your emergency management office, the purpose and functionality of the various grants and how the grants affect their constituents. You will also want to explain the role of your agency during a disaster and the best point of contact. Following a statewide election, those relationships are more crucial, as you may encounter new senators or representatives not familiar with your office.

As part of the NEMA Mid-Year Policy and Leadership Forum, which is always held in the Washington, D.C., area, one day is devoted to directors visiting their congressional delegations. These meetings allow you to meet with your individual members of Congress, congressional staff and the Washington Governor’s Liaison Office to discuss key emergency management issues. In recent years, these meetings have become very important in educating Congress. Prior to your meetings, NEMA provides some helpful hints as well as a list of key members of congressional committees with jurisdiction over emergency management and homeland security issues. In addition, NEMA develops talking points that directors can refer to and take with them to the meetings. Please be prepared for these meetings and take full advantage of the opportunity to educate your representatives.

### Governor’s Office

Your agency must have a strong relationship with the governor’s press secretary and communications staff. Make sure you understand the administration’s media philosophy and strategy, and what role they want you to play every day as well as in the event of a disaster. Always defer to the governor’s office for major interviews. Be certain they know that your primary goal is to enhance the reputation of the governor and the administration, and insure public safety.

Determine beforehand if you or the governor’s office will address the media regarding major disaster announcements. There are some governors who prefer to announce and release declaration requests as well when the declarations have been granted by the president. If this is the case, your governor must

be knowledgeable about declaration thresholds that the state must meet in order to be eligible to request federal assistance. Annually, you and your key staff should meet with the governor's executive and communications staff to remind them of the basic functions of emergency management. This is a good way to keep the lines of communication open and meet new staff. Unless otherwise directed, it is always a good practice to share major announcements with the governor's press secretary or director of communications prior to releasing it to the media. This will ensure the governor is not blind-sided by information coming from your agency.

### **Unique Considerations during an Election Climate**

Elections, particularly those that include the governor's office, can pose special challenges to you and your agency. The following information may help you maintain focus on the agency's responsibilities while managing the election environment:

- Prior to the full campaign season, revisit the entire disaster process with your PIO and other key staff. This will be especially helpful for new or less experienced staff.
- Any disaster-related decisions leading up to or during an election are subject to additional and sometimes unwarranted scrutiny. Discuss decisions thoroughly to ensure that the communication is both clear and balanced.
- Since disasters can strike at any time, it's critical to remain in open communication with your PIO and other communication staff (legislative, congressional, gubernatorial) regarding any issues that may arise during the response or recovery phase.
- During the transition of administrations, know who your office will work with if a disaster occurs.
- Remember that how your office responds to a disaster — big or small — can set the tone for how the public, media, and, most importantly, the governor's staff view your agency.

### **Open Records and Open Meeting Acts**

Every state has open meetings/open records laws. They speak to the degree of transparency in government that state's citizens, including members of the press, must be afforded. Often they are referred to as "sunshine laws."

#### **Open Records Act**

State open record laws govern what records are considered open to the public and guarantee access to those records. Most state laws identify what constitutes a record, provide a process for requesting that record and address whether an agency is allowed to recover the cost for research in locating and copying of the record.

In today's post-9-11 era, governments continue to wrestle with the proper balance between open records and security issues. This dilemma is further heightened if media serve a government agency with an open records request or Freedom of Information Act (FOIA) request for documents. The request will be time sensitive, so a policy regarding who within the government agency handles these requests is essential.

#### **Open Meeting Act**

Open meeting laws mandate that the public be given access to government meetings. Most state laws identify what constitutes a public meeting and include requirements for posting/publishing a meeting notice and an agenda. The law also identifies when an executive session or a closed meeting is permitted.

As custodians of taxpayer dollars, government officials, including the state emergency management director, must have knowledge of their state's open record/open meeting laws. They should implement internal policies and procedures to ensure that their agency's, as well as the public's, rights are protected.

All open records/open meetings act issues should be worked through the agency's legal counsel as well as the public information officer. Involving the PIO will allow the agency to benefit from the PIO's relationships with media and knowledge of the media market. Additionally, all agency managers need to be aware of the internal policies and procedures related to open records/open meetings laws and how they affect their work.

If in doubt as to when open records/open meetings laws apply, consult with your legal counsel or your state attorney general's office.

#### **Points to Remember**

- **You need the media and they need you.**
- **Building relationships during non-disaster times is important.**
- **Your PIO has extensive training and education in communications and media relations. With this expertise and the overall knowledge of you and your staff, you can be successful in getting your message out to the public.**



#### **HEADQUARTERS OFFICE**

National Emergency Management Association  
1776 Avenue of the States  
Lexington, KY 40511  
p: (859) 244-8162 | f: (859) 244-8239  
[nemaweb.org](http://nemaweb.org)

#### **WASHINGTON, D.C. OFFICE**

444 North Capitol St., NW  
Suite 401, Hall of the States Bldg.  
Washington, DC 20001  
p: (202) 624-5460

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